

# The Heritage Society of Essex & Middle River



Founded  
September 26, 1968  
Officers 1969-70

*Seated: Mary Corey (Treasurer), Laura Hensler (Vice President), Alex Baumgartner (President), Helen Baumgartner (Secretary). Standing: Horace McCarter (Publicity), Emma Dunham (Trustee), Earle Scoggins (Sergeant at Arms), Virginia Borsos (Trustee), John Ruley (Historian), Kay Wolfe (Trustee).*

We thank our founding members Mr. and Mrs. Alex and Helen Baumgartner, their family, and peers for establishing our premiere Baumgartner Collection. The collection captures a historical snapshot of life in Essex and Middle River, Maryland. The collection contains nearly 300 categorical binders documenting our community activities with articles, pamphlets, and photographs from 1969 through the 1980s. The Heritage Society has scanned the collection to our website to share with our extended community. As we continue to build new collections, we are seeking new materials such as photographs and ephemera that pertain to the community and business history of Essex and Middle River. Please contact [essexmuseum@gmail.com](mailto:essexmuseum@gmail.com) if you have historical memories or items to donate or would like to become a member.

**The Heritage Society of Essex and Middle River, Inc.**  
**516 Eastern Blvd, Essex, Maryland 21221**  
[essexmuseum.com](http://essexmuseum.com)

*Collections processed and scanned by: Rita Sellers, Jenny Parish, and Scott Huffines*

No. 153

Hart, Miller, Pooler  
Islands



# Meeting To Question Proposed Island Dumping

ESSEX TIMES

OCT. 7, 1971

BY ELLA KIRBY

Back River Neck and Patapsco River Neck residents and other interested persons will have chance to express their views on the proposed dumping of material dredged from Baltimore Harbor on Hart, Miller and Pleasure Inlands at a meeting on October 12.

Rep. Clarence D. Long (D.Md.) who has arranged the meeting for 7:30 p.m. at Stemmers Run Junior High School, Stemmers Run Road and Eastern Avenue, has requested experts to be present to answer questions. Representatives of the federal Environmental Protection Agency, the Army Corps of Engineers, the State Department of General Services, the State Board of Public Works, the State Planning Department, the State Department of Natural Resources, the Regional Planning Council, the Baltimore County Department of Public Works, the County Office of Planning and Zoning, and the members of the Baltimore County Council have been invited to attend, Rep. Long said.

## State Senators Oppose

State Senator Norman R. Stone, Jr., (D. Balto. Co. 6th) recently voiced his

opposition to the plan to use the islands as a dumping site for 100,000,000 cubic yards of spoil from the harbor. He said, "As usual, the City and State gain, while Baltimore County loses," in discussing the project.

"The proposed dike and landfill on our islands at the mouth of Back River, will cause the Back River area to get another kick in the pants," said Senator James A. Pine (D. Balto. Co. 5th) this week.

"Now the river will become more sluggish than ever and the pollution will be worse than ever. In addition to blocking of the flow of Back River into Chesapeake Bay, any unusual winds will cause the dikes to break and sludge will deposit on the shores of the property owners in the area.

"The newly opened golf course at Rocky Point will become an isolated sludge monument without any golfers who will be able to stand the odors," he went on.

"Why is it that the eastern area of Baltimore County, the lower end, always gets the lower priority treatment. Administrative bureaucrats had better take note.

"The people are fed up!"

"I intend to introduce legislation in the next session of the Legislature creating a non partisan sanitation board to coordinate all activities relative to Back River including the sewage treatment plant. This would be a watch dog group of interested citizens."

## Countians Concerned

Many eastern Baltimore Countians have written to Rep. Long expressing their concern over the possible effects of the project on water, wildlife and beaches in the area. They ask what use the State is planning for the 2,000 acre artificial island that would be created from the spoil being dumped on the existing 157 acres.

The project is under the direction of the State of Maryland and is to be performed by the Army Corps of Engineers.

Rep. Long said, "Plans and funds are not expected to be ready for another two to four years so there will be time to thoroughly examine the project.

## Organizations Oppose

"What will this area (Lodge Forest and Jones Creek) smell like when we get the harbor sludge on one side with the steel plant odors on the others side?" asked Mrs. Virginia Tolbert, president of the North Point Peninsula Community Coordinating Council.

"It's a damnable disgrace," was the way John W. Jones, president of the Chesapeake Terrace, Lodge Forest,

Edgemere and Waterview Improvement Association, Inc., described the project. He said that he first heard of the plan at a meeting in an Essex School several years ago when the Master Plan of Baltimore County was shown.

"The group meeting there appointed John Birkholz, Sr., of Back River and Stanley Brewer of Jones Creek to examine the plan and report to us. Their research brought about the finding that the dumping on Pleasure, Hart and Millers islands would be an ecological disaster to the tidal waters."

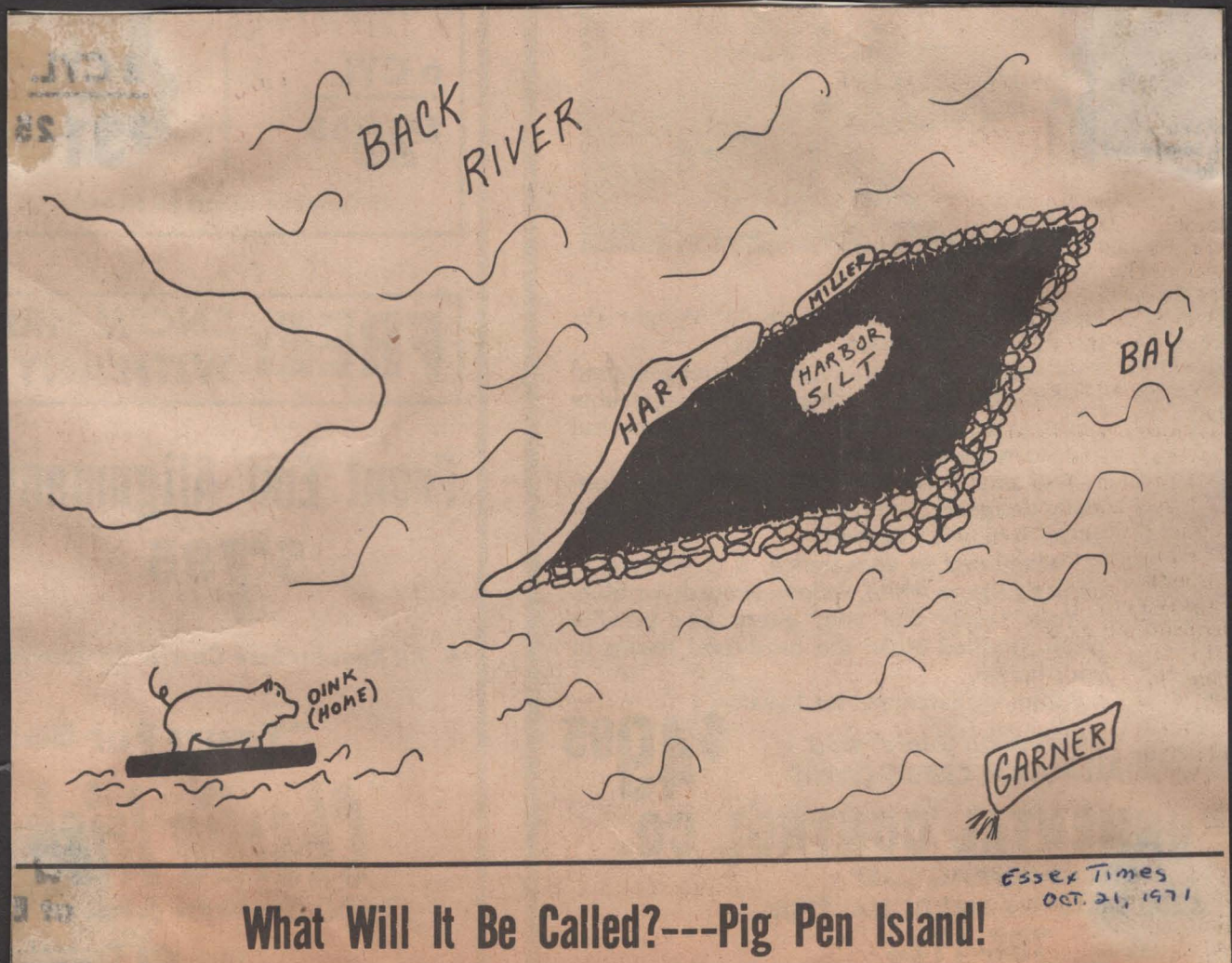
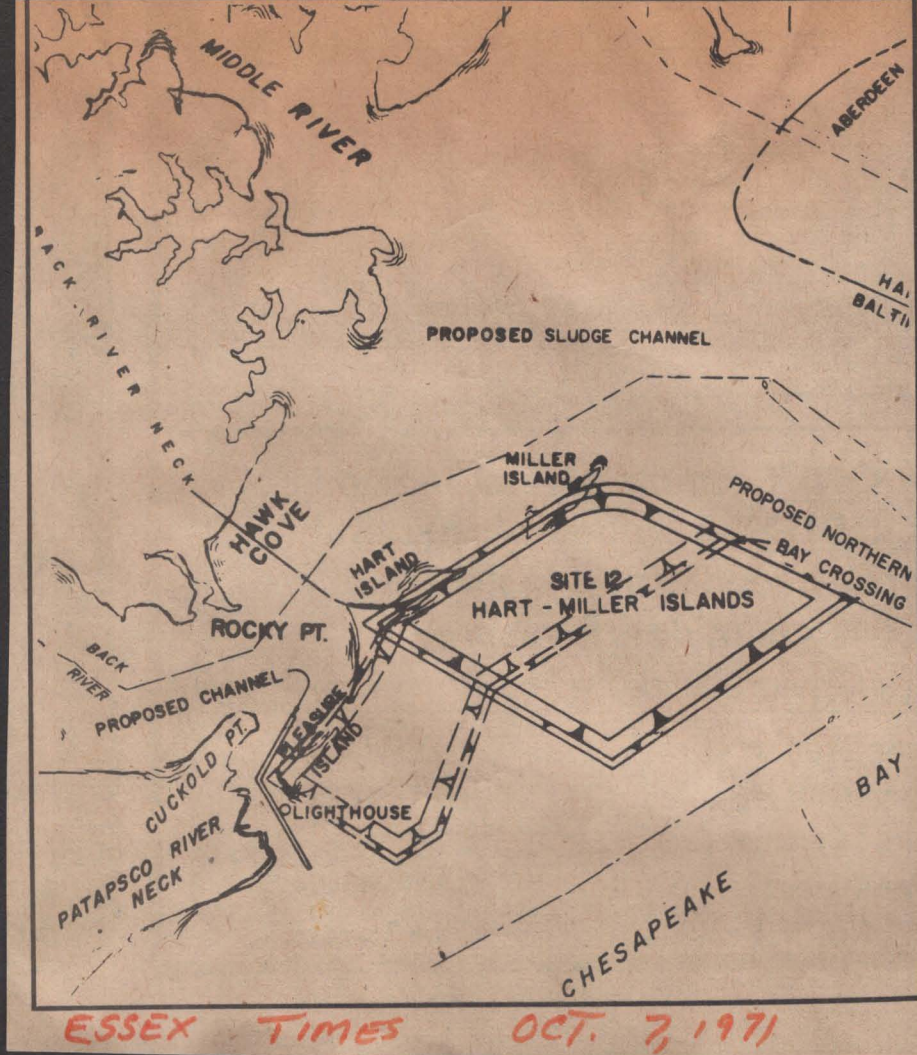
## "Gigantic Pile Of Gook"

W. Donald Jacobs, Jr., 7th District Democratic State Central Committeeman, opposes the project. He said, "While the plan needs much investigation, it does look like the latest example of our elected officials depositing their waste problems on this section of the county. The sewage treatment plant and the sanitary dump pale in comparison to this proposed 2,000 acre, 18-ft. thick gigantic pile of gook, containing everything dumped into Baltimore harbor since the year one."

Mr. Jones brought out the fact that CLEW's representative who investigated the filling in on the islands said that a causeway would be built connecting Essex to Sparrows Point.

The engineers map on this page does show that the third bay bridge would cross these islands.





What Will It Be Called?---Pig Pen Island!



ESSEX TIMES

# Bartenfelder Hopes To Halt Dumping At Pooles Island

Fifth District County Councilman Harry J. Bartenfelder last week spearheaded a fight to halt the dumping of sludge dredged from the Baltimore Harbor on Pooles Island located in the Chesapeake Bay between the Gunpowder River and Bush River.

In a letter to the Baltimore County solicitor, R. Bruce Alderman, the Essex councilman asked that the county prepare "injunction papers to enjoin the Army Corps of Engineers from further dumping at Pooles until the courts decide the merits of their actions."

The Bay area surrounding Pooles

Island has been the dumping ground for sludge taken from the channel maintenance in the Baltimore Harbor.

Councilman Bartenfelder told the county solicitor, the county's chief law officer, that "based on personal visits to the area and testimony of watermen, the present dumping is causing environmental damage to the waters that is irreparable.

"Sludge is being carried from the dumping area affecting oysters, fish, wildlife and above all the human race," he said.

Mr. Bartenfelder has also asked the county health department to in-

vestigate the pollution factor around Pooles Island.

He is to meet with officials from Harford, Cecil, Kent, Anne Arundel and Queen Anne's Counties on the problem on Tuesday, November 9, 1 p.m., in Towson.

Mr. Bartenfelder explained his action to The Times last Wednesday and remarked that one local waterman who fishes around Pooles Island finds at least two or three inches of silt in his crab nets every time he checks them.

The councilman said he did not know what would be done with the sludge

from maintaining the harbor if the court rules against further dumping at the site, but he would like to see them build huge inland dikes to keep the sludge from seeping into any waterways. He explained that this is what is being done with the sludge dredged from the C&D Canal.

Asked about the proposed rock and sand dike at Hart and Miller Islands which is about three miles from Pooles Island, Mr. Bartenfelder said he is "not sold" on the idea, but, something should be done to stop the two islands from eroding away.

## First Citizens' Group Meeting Is Scheduled To Fight Dike Plan

Essex Times Oct. 28, 1971

The first meeting to form a citizens' committee to lead the fight for the Essex and Edgemere residents against the proposed dike on Hart and Miller Islands will be held on Friday, November 5, 7:30 p.m., at the Essex American Legion Hall on Gerries Avenue off Mace Avenue in Essex.

According to Al Clasing, of Back River Neck, who is forming the citizens' committee, the group does not want "a mass turnout" for the first meeting but would rather have those leaders in the two areas to help establish the committee.

Mr. Clasing said last week that he has had a "good response" to the citizens' committee idea. He said several lawyers have volunteered their services as well as the ecology groups at Essex Community College and Towson State College. So far, he said, wildlife groups, boating clubs, training organizations, and youth groups have offered to help in the fight.

The state is planning to purchase Hart, Miller and Pleasure Islands at the mouth of Back River so the Army Corps of Engineers can build a 2,000-acre rock and sand dike and dump 100 million cubic yards of sedimentation from the Baltimore Harbor dredging at the site.

## Citizens' Group ESSEX TIMES Against Dike Plan NOV. 18, 1971 To Report Findings

The citizen's group that formed recently to help fight the proposed sand and rock dike on Hart and Miller Islands at the mouth of Back River will report its progress so far at a general community meeting next week.

The meeting will be held at Essex Community College on Tuesday, November 23, 8 p.m.

Meeting for the first time November 5 at the Essex American Legion Post 148 on Gerries Avenue, the citizens' group, now called "Hart and Millers Island Area Environmental Group", has elected officers and committee

Besides fighting the three-square-mile proposed dike, which will contain 100 million cubic yards of silt dredged from the Baltimore Harbor, the group wants the county to buy the islands, control the erosion, and create a recreational facility.

The environmental group is now headed by Al Clasing, of Essex, along with Waring Justis, Jr., treasurer, and Mrs. Virginia Tolbert as secretary.

Reporting its progress November 23 will be the group's new committees and chairmen: ecology, and wild and marine life, Paul Breidenbaugh; boating, William Q. Cooper and William H. Nicholls, Jr.; sportsmen, Kenneth King; publications, Bob Ryteer; fund raising, Larry Dietrich; and civic and service organizations, George Martinak.

To contact the group, residents in the Edgemere and Essex areas are asked to write: Hart and Millers Island Area Environmental Group, P.O. Box 7906, Essex, 21221, or call the president, Al Clasing at 686-1095.



# State Agency Decides To Delay Final Dike Construction Plans

Officials of the state department of general services, which is coordinating the dredging plans of the Baltimore Harbor along with the Corps of Army Engineers, told Congressman Clarence D. Long last week that they have directed Green Associates engineering firm to withhold its final construction plans for the proposed Hart and Miller Island disposal dike until the firm has studied the state's environmental impact statement.

Green Associates was to have submitted its final construction plans for the Hart-Miller Islands dike on December 1.

The state's ecological report on the area around the two islands -- requested by the congressman at a public meeting on the proposed dike held October 12 at Stemmers Run Junior High School -- has been delayed while future use of the diked disposal area is being considered. "I hope this delay will not be used as an excuse for failing to fully consider the project's environmental impact prior to taking further steps to implement the project," Long said he told George R. Lewis, the state general services secretary, recently.

The congressman said he is deeply heartened by the state's latest action and called it an indication that the "headlong rush to get the project approved has -- at least for the moment -- been deterred."

He said though that he plans to continue to "keep close tabs" on the project and promised to do everything possible to ensure that no further decisions are made without careful consideration of the possible effects on the beaches, birds, fish, shellfish, and

recreational potential of the Hart-Miller Islands area.

Congressman Long was to have met with members of the six-week-old Hart and Miller's Island Area Environmental Group, a citizen's group against the dike plan, at its second public meeting held this past Tuesday night at the Sparrows Point Senior High School. The group hopes to defeat the plan to build a dike on Hart and Miller's Islands to hold the sedimentation dredged from the harbor and push to have the islands purchased by the county for recreation.

Congressman Long said he was told by Paul Farragut, chairman of the land use committee preparing a report to be included in the state ecological study of the two islands, that the committee has

One day, the State of Maryland will simply walk in and condemn all the homes and take their property for peanuts. If part of the diking is put in that area, the people bought out at a reasonable price, and expensive useable land is created in an already highly industrial area, then everyone will be happy.

We have witnessed dirt being hauled through Dundalk to the Dundalk Terminal and dumped into the harbor waters with no bulkheading, no retaining wall of any kind. Simply dumped.

In 1974, a 95-foot high pile of coal collapsed into filled land on Bethlehem Steel property with coal and filled land going into the harbor waters. Did anyone see any shovel out there cleaning it up? No!

The Department of Natural Resources which is supposed to be protecting us, the taxpayer, was too busy using its offices and personnel trying to build a dike on Hart and Miller Islands.

A bulletin published by the Maryland Department of Transportation, February 1975 issue, states how terrifically well the Port of Baltimore did in 1974. Every business, even with a labor strike, had an increase. Page four, Record at a Glance, states: "Import-export freight up 13.5 per cent over 1973; exports up 30 per cent; imports up 7.3 per cent; bulk cargo 15 per cent; general cargo 2 per cent; containers up 2.9 per cent."

The harbor does not need to be dredged. In fact, how can they dig the Baltimore harbor deeper than the Harbor Tunnel? I would never use the tunnel if any dredging were done close to it.


The entire issue is a political game.

The area does not need a 2,200-acre park useable sometime around 2010 AD, if then, and probably never useable because once they start dumping their sludge in our area,

agreed that the existing land on Hart-Miller Islands should be used for recreation.

But, the uses being considered for the future new land that would be created by the three-square-mile dike by the committee members is divided between recreational, housing, and industrial.

The congressman said he was told that several members of the committee say the state should wait six to eight years before deciding on how to use the new land and feel strongly that the ecological study being prepared by the Department of Natural Resources should be considered before a use is chosen.

Members of the state committee are representatives of the state planning department, state department of economic and community development, state department of general services, state department of natural resources, Maryland Port Administration, Baltimore County and Baltimore City governments, and the Regional Planning Council. 



# Group Forming To Defend Hart, Miller Islands

BY WAYNE GARNER

Essex and Edgemere residents are out to defend Hart and Miller Islands against the silt dumping from the Baltimore Harbor just as adamantly as the frontiersmen defended the Alamo.

At a Stemmers Run Junior High School meeting to voice their opinions about building a 2,000-acre dike on the bay side of Hart and Miller Islands in the mouth of Back River, Essex and Edgemere residents vowed to fight the proposal with everything in their power. The meeting was called by Congressman Clarence D. Long.

Al Clasing, who lives in Back River Neck, asked the crowd if they wanted to form a citizens' committee to battle the proposal and the crowd responded with raised hands.

Mr. Clasing said he is planning to hold the first meeting to form this new citizens' committee around October 30,

and if anyone wants to join, contact him at 686-1095.

In the \$12,000 proposal, the state would buy Hart and Miller Islands from C. J. Langenfelter and Sons, the owner, and allow the Army Corps of Engineers to dredge 50 cubic yards of silt from the Baltimore Harbor and dump it in a rock and sand dike that will be built on the bay side of the two islands. Adding to this another 50 cubic yards of silt from maintenance dredging, the dike when finished would cover three square miles off Hart, Miller and Pleasure Islands, now owned by Bethlehem Steel. Besides the construction cost, the three islands will cost the state \$26,000.

State, federal and private engineering officials told Congressman Long and the protestors last Tuesday night that construction on the dike would start next July if the permits and federal funding were approved by then. The dike will take two years to build before the harbor spoilage could be

dumped there. If on this time schedule, the dumping will end in the mid 1980s, and the dike will be in a "gravy" form until it settles in five to ten years and hardens.

Col. Lewis Prentice, head of the Baltimore Corps of Army Engineers, explained that the dredging to deepen the harbor channel from 42 feet to 50 feet is part of federal project to deepen the channel up the Chesapeake Bay from the Atlantic Ocean.

According to the consulting engineers, Green Associates, the Hart and Miller Islands site was picked from 70 others because it would be more economical.

But, when quizzed on the ecological impact the dike will have on the marine life in the area, the officials claimed it would be minimal although they said no detailed, written study had been done.

In theory, the engineering report said that the water from the silt would filter through the sand and rocks surrounding the dike and be cleansed of its impurities.

To this, Congressman Long remarked: "There's a difference between theory and practice."

The absence of a detailed study for the public to read erupted anger from the crowd and the second district congressman. Long asked the state general services agency to prepare a detailed ecological study, and the agency official agreed saying one would be released within three weeks.

The crowd was angry throughout the meeting because of the lack of detailed studies on the effect to the area around the dike that they could have other experts look over. The crowd said that they were not going to accept the statements made by the officials on the project as true.

But, even if the project officials were right in their statements, many in the crowd remarked as Jim Reynolds, a Back River marina owner, said: "We're not going to take it (the dike), because we are 'again the scapegoats'."

One Edgemere woman pleaded with the project officials not to "rob us of something very precious."

Fifth District Delegate Don Hutchinson and Delegate Frank Hentze, of Baltimore City, both vowed to fight the dumping even though state legislature appropriated the funds to dredge the harbor during the last session. Delegate Hentze called the proposal's report "a gross inefficiency."

Besides the ecological study, Congressman Long asked the project officials for a detailed explanation of why the Hart and Miller Islands site was chosen and urged them to study other locations, and requested a time schedule to be released to the public including funding and construction dates and that public hearings on this project be announced in advance to area residents.

If the dike is not built, the project officials contend, the two islands will erode away within a decade.

In 1966, another citizens' group, headed by Al Clasing, who is forming the anti-dumping committee, tried to keep the two islands from being used by industry by asking the county and state for funds to purchase Hart and Miller Islands for recreational use.

Commenting on the dike proposal, Mr. Clasing said later that week: "This is the last round for the Hart Island fight. We can't afford to lose."



# Hart, Miller's Islands

## Anti-dike Group

# Starts Drive For Members,

## Funds

BY WAYNE GARNER

The month-old citizens' group to fight the proposed dike construction at Hart and Miller's Islands started distributing printed material throughout the Essex, Middle River Dundalk and Edgemere area as well as other areas last week in an attempt to bolster its membership roll and coffer. The group is now called "The Hart and Miller's Island Area Environmental Group."

The promotional materials that were circulated last week are a 21-inch display ad with bold black letters that reads: "Stop The Sludge", and a four-page pamphlet with an aerial photograph showing the area of the Chesapeake Bay at the Hart and Miller's Island site with "Next summer you won't have a Miller's Island" printed above it.

The 21-inch display ad, which is being taped to store windows and doors throughout the area, has drawings of a dredging barge unloading silt and a map showing the three-square-mile area the dike filled with sludge from the harbor and Bay channel will cover on the Bay side of Hart, Miller's and Pleasure Islands at the mouth of Back River.

An explanation in the ad states: "The Federal and State Governments plan to dredge 50 million cubic yards of contaminated sludge from the Baltimore Harbor and deposit it in a diked disposal area, located at Hart and Miller's Islands in the upper Chesapeake Bay.

"This project is to get under way (if

Next summer you won't have a  
Miller's Island.



This is the cover of the Hart and Miller's Island Area Environmental Group's publication showing an aerial view of the Chesapeake's Bay in front of Miller's Island.

no objections are made) by January 1972.

"To date, no public hearings have been held to discuss either the seventy other sites (which were under consideration and rejected by a handful of people), the Back River pollution condition or the ecological affects on marine life.

"This project may take two years to build the dike alone, causing a 2,000-acre swamp until the sludge fills it in during the following ten years, then approximately 15 to 20 years more for it to solidify. Also recommendations have already been made to enlarge the above site.

"Official reports indicate that the newly formed artificial island will have a value of \$15,000 per acre as prime industrial land.

"Ownership of this new land is still uncertain.

"Our group is attempting to stop this project to give time for public response and for much needed study of its effects."

The display asked the reader to attend the group's meetings, add pressure by writing to congressmen, senators, newspapers and state legislators, and donate to the citizens' group's legal fund to fight the proposal at the hearing and in court. The group is asking residents to also pay a \$1 membership fee to join the HMIAEG (The Hart and Miller's Island Area Environmental Group). The group's address is P.O. Box 7906, Essex, 21221.

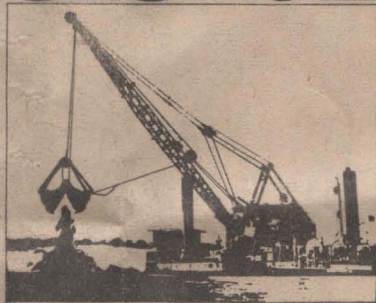
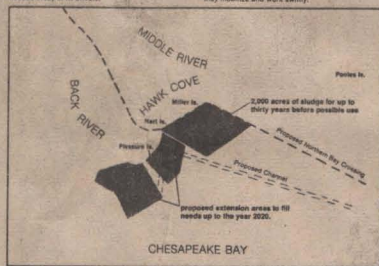
The four-page pamphlet also explains the dike proposal, but adds that the group's two goals are: (1) gain legislation to halt the Hart-Miller's Island project and (2) have the future of Hart-Miller's Islands determined by the people of this community." The leaders of the group at a report meeting held at Essex Community College last Tuesday night said that they are urging the county to buy the two islands, stop the erosion that is currently plaguing the islands with conservation techniques presently used in county parks along waterways, and create a recreational facility for the community's use.

The pamphlet also lists the chairmen of the group's committees covering promotion, fund raising, and research that reportedly in need of volunteer workers: boating, William Q. Cooper (687-8310) and Bill Nichols (828-1306); civic and service organizations, George J. Martinak (687-0075); fundraising, Larry Dietrick (391-5107); publications, Robert Rytter (686-7563);

over



# STOP THE SLUDGE

[illegible]

Prepared by "The Hart & Miller's Island Area Environmental Group  
P.O. Box 7808 Essex, Md. 21221

But, until applications for the construction are filed, "we can't do anything but get ready," remarked the wildlife chairman, Paul Briendenbaugh last Tuesday as he explained the citizens' group's present role.

Rep. Long said that he has renewed his investigation into the proposed dumping of dredged material on the three islands. He has urged the Department of General Services to wait for the State's ecological study--which has been delayed--before approving construction plans for the project. to be submitted later this month.

11/11/71



# Five Area Legislators Voice Support For Anti-dike Group

DEC 23 1971

Essex Times

BY WAYNE GARNER

The citizen's group fight to block the state from building a sand and rock dike to store sludge dredged from the Baltimore Harbor of Hart and Miller's Islands gained the support of five state legislators at its meeting last Tuesday night in Edgemere.

During the Hart and Miller Islands Area Environmental Group's meeting at the Sparrows Point High School, the five state legislators, who represent the 5th, 6th, and 7th districts in Baltimore County and the 2nd district in Baltimore City, voiced support of the Essex-Middle River, Dundalk and Edgemere citizens' group's struggle to stop the dike construction and have the two islands bought and used as is for recreation.

The state legislators were: from Baltimore County, State Senator Norman Stone (D., 6th), Delegate Sam D'Anna (D., 7th), Delegate Dan Minnick (D., 7th) and Delegate Joseph Schirano (D., 5th); from Baltimore City, Delegate Frank O. Heintz (D., 2nd). Another delegate from the county's 5th district, Don Hutchinson, voiced his opposition to the dike several months ago.

So far, only two area state legislators, State Senator Roy N. Staten (D., 7th) and Delegate William Evans (D., 6th) have said that they approve of the dike construction on Hart and Miller's Island because they feel that if the dike is built, Back River will be dredged.

Congressman Clarence D. Long, who has been pushing for a more detailed environmental impact study, has been keeping local residents informed of the state's plans on the dike construction since the Green and Trident engineering report was released in July. Senator Stone, as he told the citizens' group last Tuesday, has also been keeping a close eye on the dike construction plans.

Several legislators, after last week's meeting though expressed the fear of not being able to stop the dike construction in this year's General Assembly if the state General Services

Department decides to build the dike on Hart and Miller's Islands because the plan is being pushed by Governor Marvin Mandel, who even wrote Congressman Long browbeating him for resisting the dike plan.

If the opposing state legislators fail to reverse the already approved \$13 million for the dike construction, which was approved by the state legislature several years ago in a bill that

Delegates Minnick and Schirano claim was supposed to be for the dredging of Back River, the only recourse local residents have in stopping the Hart-Miller dike construction is by voicing their protest at a hearing in Towson around the end of January for a state public works permit to build the dike, or at a hearing, which Congressman Long hopes to force, before the U.S. Army Corps of Engineers when it reviews the dike construction permit.

If all permits are approved, according to Paul Farragut, of the state Department of Natural Resources, who along with a department engineer, William Sloan, attended last Tuesday night's meeting, the earliest dike construction on Hart and Miller's Islands could get underway is around July 1.

If the harbor dredging is not done, the engineer, William Sloan, told the residents, "port activity will come to a stand still." He described the plan for the 1,100-acre dike at Hart and Miller's Islands (2,000 acre dike if Pleasure Island is included) as "potato shaped" and explained it would rise from the two islands on the Chesapeake Bay side, where the erosion is great, sloping up to an 18-foot height. A rock and sand riacrac will surround the dike on three sides. The construction he said would take two years, and after the dike is built, Mr. Sloan claimed, swimmers and sunbathers could use the river side of the two islands even while the sludge dumping operation is going on.

If Congress approves the funds for the dredging project, it will take 8-to-10 years to fill the dike with 100 million cubic yards of sludge, but without federal funds, it will take almost 20 years to fill the dike using only state funds. Congressman Long is a member of the House Appropriations Committee.

Mr. Sloan explained that no matter what the 50 million cubic yards of maintenance dredging has to be done "just to keep the port the way it is", and the other 50 million cubic yards will have to be dredged from the harbor channel bottom to deepen it from the present 42-foot level to 50 feet so port activity may increase. Currently, the Corps of Army Engineers is dumping spoil from routine maintenance dredging on Pooles Island, and this, too, has become a controversy. Although a detailed environmental impact study has not been released, Mr. Sloan claimed that pollutants in the sludge will not filter through the dike

and damage the ecology of the area. He added that once the dike is built the small channel opening to Back River, which residents fear will harm boating, will not change the tidal flow into the river.

State officials seem to be preparing for a fight with local residents over the dike construction site because as Mr. Farragut, who is heading a state committee to study the possible uses of the dike created land when filled, remarked that no matter where the

state would decide to build the dike, those area residents would cry out in protest as they are here. He said that the state general service department has already asked for the construction permit applications.

But, area residents are also ready for a fight even if it "takes 30 years", as the environment group's president, Al Claing vowed last Tuesday.

The Hart and Miller's Island Environmental Group is presently trying to find an alternate site for the dike and has launched a membership and bumper sticker campaign to raise funds to fight the dike proposal, which was referred to several times last week as a "garbage dump". As of the last meeting, the group has over 200 members. One local man, Carl Brenner, offered the facilities of his radio stations (WBMD, WKTK and WPTX) to help fight the proposal.

Most of those at the meeting voiced opinions similar to Baltimore City Delegate Frank Heintz when he said that the Green and Trident engineering report selected the Hart and Miller's Islands site for the dike because it was the most economical and that the land created by the dike could be used for industry and to help support the proposed upper Chesapeake Bay crossing. He proposed that the site be located in an area that would not have any affect on recreation and the environment and if the cost is too high than the Corps of Engineers pay for the transportation and industry pay for the dike construction since they are the ones benefitting from it.

"What kind of fools do you (the state think we (area residents) are only to pay taxes for something like this," remarked one Edgemere woman.

The next meeting of the environmental group will be in January in Dundalk. The group's address is Post Office Box 7906, Essex, 21221.



# Study Rules Hart-M

By Fred Abel

Evaluators of Baltimore's ten dredged spoils dumping sites said the state backed Hart and Miller's Island dike is "unsuitable as proposed," and they recommended that disposal sites within

Baltimore Harbor be given "first priority."

The bulkhead sites of Sollers Point and Colgate Creek were ranked as "suitable" by the Roy Mann report. They would offer combined capacity of about 19 million cubic yards, the study

indicates, which is about 18 per cent of the projected 20-year dredging program.

The Roy Mann Associates report, costing the state \$130,000, was released Monday. It did not categorically rule out Hart-Miller. Experts found that,

among the ten alternatives, Hart-Miller and Black Marsh were "potential locations," needing changes to reduce adverse effects on their surroundings.

The Peer Review Committee set up to oversee the study Tuesday unanimously voted to accept the findings,

## Miller 'Unsuitable'

which were based on available information from the Department of Natural Resources and an earlier report by Trident-Green Associates.

Hart-Miller, which would contain about half the spoil generated from Baltimore Harbor, has insufficient

height to prevent waves from washing over its walls during storm conditions, the report found. Moreover, the dike exterior made of stone will not adequately protect the operation, especially during a 15 year storm. On a scale of plus 5 to minus 5, Hart-Miller received minus 5 for safety.

The analysts have concluded that the Hart-Miller dike would also affect boating. They expect the dike to cause shoaling between the spoils area and Pleasure Island.

The environmental effects of Hart-Miller were categorized as moderately adverse by the study. Five

other sites, including Black Marsh, would pollute the water more than Hart-Miller. However, pollution effects were considered less severe in all the harbor sites.

Hart-Miller has some benefits and proved to be one

(Continued to Page A-4)

## HART-MILLER

(Continued from Page A-1)

of the choice locations outside the harbor. It is one of the cheapest sites, according to information available. However, the study concluded that with the proposed changes, costs would rise to an unknown figure.

The islands offer other benefits, the study found. For instance, the dumping site would not interfere with commercial navigation, and once the dumping ends, the experts feel the area will have high recreation potential.

Moreover, the report concludes that nuisance affects, such as noise, dust, odor and misquitos are unlikely to

disturb residential areas, since the site is about two miles from a moderately low density area.

In its recommendations, the Peer Group study supports changes in the Hart-Miller proposal that would make the site an off-shore dike, disconnected to the islands by a flush gap; raise the height of walls to prevent overtopping; fully protect the dike from wave and storm damage by breakwaters or jetty; prove that bottom muck can be replaced by local sand of sufficient quantity and quality; and redesign the dike to align the westerly portion along a more favorable contour.

## Bormel Challenges Lanham To Debate Hart-Miller Issue

Joseph Bormel, president of the Hart and Miller Islands Area Environmental Group, has written a letter to W. Wallace Lanham, Jr., chairman of the Greater Baltimore Committee, challenging him to a television or radio debate on the Hart-Miller issue.

The environmental group which Mr. Bormel heads has for many years, opposed the use of Hart and Miller Islands as a dredging site. The Greater Baltimore Committee, on the other hand, feels that the local islands are the best place to dispose of the material that needs to be dredged from Baltimore's Inner Harbor.

The Greater Baltimore Committee feels that the port is dying and that it needs to be dredged or Baltimore will lose a great deal of shipping trade.

Mr. Bormel's organization feels that if Baltimore loses any shipping trade it will be because the city lacks adequate port

facilities and not because it needs to be dredged. And if dredging is required, the Hart and Miller Islands Area Environmental Group feels that there are other areas more environmentally sound for the dredging material than Hart and Miller.



# Dike Will Hurt The People

*Sept 19 - 1975*  
As a member of the Peer Review Committee, I attended a meeting called by Baltimore County Executive Ted Venetoulis on Sept. 10 to discuss the dike proposed for Hart and Miller Islands.

After selecting an unbiased consultant to explore the entire issue, paying that firm \$129,000 of state tax money, the State of Maryland refuses to accept the findings because the end result was not what the state expected.

The dike proposed for Hart and Miller Islands as designed by the state will not hold. If the state continues to railroad us with the same intentions, they are selling the entire state down the drain.

State Sen. Roy Staten attended the meeting, and I was shocked to hear him state: "Bethlehem Steel sits there looking at foreign cars at Dundalk Marine Terminal. Is Sen. Staten concerned about the residents, the port, or Bethlehem Steel?"

The May 10 meeting at Patterson High School showed us really who wants the dike on the islands when approximately 1,000 men from Bethlehem Steel, including supervisors, attended the hearing held by the Army Corps of Engineers and we heard them say, "I don't know what I'm here for, but I was told to be here or else." Most of the men did not even know where the islands were and didn't care.

In the past six years 25,685 ships are reported using Baltimore harbor with only three ships encountering problems concerning water depths. The super tanker will never come into our port even if we dredged 100 feet. The question is: Do we even have to dredge to 52 feet? And for whom?

The Roy Mann Associates listed Hart and Miller Islands as not acceptable as a site for the dike, but they listed areas in the harbor as acceptable. One of the sites was Sollers Point, another Colgate Creek.

Sollers point is close to homes. Some of the residents in that area have already suggested that the dike be put there because they have been caught in the vise of big business. Their property tax bills have been going down when everyone else is paying higher taxes. Their homes are located between Bethlehem Steel, the Baltimore Gas and Electric and the Dundalk Marine

*The News American invites the opinions of its readers. Clear, brief, easy-to-read letters are preferred. Letters must be signed, although initials will be used upon request. Phone number and address must be included for possible verification. We reserve the right to edit all letters.*

they will never stop. There will be one big sludge pot from the south end of Millers Island across Hart Island, across Pleasure Island, Black Marsh and the entire southern side of Fort Howard.

Some of the most beautiful water and sand area in Maryland will be forever ruined.

Scare tactics? No! It's been in the plans for many years and the tax dollars of the residents of Maryland will be once again paying the bills for big business.

Baltimore County Executive Venetoulis ended the meeting with reasserting the promise that Baltimore County is against the diking proposed for Hart and Miller Islands. We must look to him and his staff for support on this issue.

VIRGINIA TOLBERT, President,  
North Point Peninsula Community  
Coordinating Council

## VOICE OF THE PEOPLE:

# Yes To Hart-Miller Dike

*News Sept. 15 - 1975*  
At this time, now that the "Peer Review of the Evaluation of Hart and Miller Islands and Alternatives for Dredged Materials Disposal" has been published and evaluated, I have contacted the appropriate federal authorities reaffirming my support for the Hart and Miller site for disposal of dredged material for the deepening of the Baltimore harbor channel.

I feel that a timely decision in this matter is of utmost importance to the future development of Baltimore Harbor and the elimination of unconfined dumping of spoil in the Chesapeake Bay.

In addition, I think that the state's plan to utilize the Hart and Miller project as a public recreational area will be uniquely beneficial to residents of the Baltimore area, including my constituents in Anne Arundel County.

These islands, which are presently privately owned are endangered because of severe erosion problems. The state's plan would save them.

While the three inner harbor sites mentioned in the Peer Review might be adequate for maintenance dredging, they certainly would not be equal to containment of spoil from the major projects envisioned for the growth of the Port of Baltimore and the subsequent economic benefit to the State of Maryland.

I have urged that an early and positive decision be made.

MARJORIE S. HOLT  
Member of Congress

## Hart-Miller Island

The Baltimore District of the Army Corps of Engineers will hold a public hearing on the proposed spoil dike at Hart-Miller Island at Patterson Senior High School, 100 Kane Street, on SATURDAY, MAY 10, beginning at 10 AM.

Joe Bormel, President of the Hart-Miller Island Area Environmental Group, stated, "We

want to have people speaking all day and all night. We want the Army Corps of Engineers to realize the extent of the opposition to the dike."

Those with any opinions on the projected dumping of 52 million cubic yards of dredge material in a containment area on Hart-Miller Islands are urged to attend.

*Apr 30 Avenue*



# Mandel To Decide

Governor Marvin Mandel and State Comptroller Louis Goldstein, as members of the Board of Public Works, sat for over three hours listening to testimony regarding the construction of a spoil containment site at Hart and Miller Islands on Monday afternoon at the State House in Annapolis. The size of the crowd forced officials to transfer the meeting from the Governor's

Conference Room to the House Chamber.

The Board of Public Works is now taking the matter into consideration and is expected to render a decision shortly. Indications are the three member body, composed of the Governor, the State Comptroller, and the State Treasurer, will approve the dike facility.

Although Louis Goldstein asked numerous questions concerning the present and future recreational use of the islands, State Senator Donald P. Hutchinson announced, "The boaters are happy with the islands in their present state. They don't want ballfields and tennis courts."

He continued, "Back River is perhaps the deadest river in the State. The dike would severely hamper the flow from Back River. It would be killing completely what is alive in Back River... The people of that area know the misuse of resources by governmental agencies."

In answer to a query about the dike preserving the islands, Hutchinson retorted, "Natural erosion is better than the dike."

*The Avenue*  
*Sept 24, 1975*

## News - AMERICAN Islands' Purchase Urged FEB. 3, 1971 As Dredge Depository

Experts have recommended that the state acquire Hart, Miller and Pleasure islands in upper Chesapeake Bay and build dikes to the east of them to receive one hundred million cubic yards of muck dredged from the Baltimore channel to lower its depth from 42 to 50 feet.

The recommendation of two engineering firms was released today by Comptroller Louis L. Goldstein, chairman of the Submerged Land Commission and George R. Lewis, secretary of the Department of General Services.

The state has \$13 million authorized for designing and building a facility to handle the spoil from deepening the channel to Baltimore harbor. Congress has authorized funds for deepening the channel provided the state makes available a place to dump the dredged material.

**THE REPORTS** were made by Green Associates, Inc., of Baltimore and Trident Engineering Associates, Inc., of Annapolis.

The engineers "devoted the past year to a study of the ecological effects that the establishment of the recommended diked containment areas would have upon the environment, at the same time investigating their engineering feasibility and developing preliminary estimates of costs.

Following a study of the material to be dredged, plus

analysis of transportation and construction costs, the Green-Trident group has recommended that the islands in the upper bay be acquired and that construction be undertaken immediately to provide a diked area.

The cost of the state would be approximately \$11.5 million and would provide sufficient capacity until 1982, the consultants said.



# Hart-Miller dumping ban turned back

By JAMES D. DILTS  
Annapolis Bureau of The Sun

Annapolis—Attempts by Baltimore county senators to prevent the dumping of contaminated spoil from Baltimore's harbor at Hart and Miller islands were beaten back in the Senate by wide margins last night.

Amendments to a compromise bill that would allow 800,000 cubic yards of uncontaminated material from the approaches to the harbor to be dumped

at Kent Island and facilitate the dumping of additional contaminated spoil from the harbor proper at Hart and Miller islands were offered by Senator Donald P. Hutchinson D., 7th, Baltimore county) and Senator Norman R. Stone, Jr. (D., 9th, Baltimore county).

They were defeated by votes of 33 to 14, 36 to 9 and 33 to 10.

The bill was sponsored by Senator Frederick C. Malkus, Jr. (D., Middle Shore). As originally proposed, the bill would make it illegal to dump dredged material from Baltimore harbor anywhere in the Chesapeake Bay.

However, an earlier compromise to the bill, which was given preliminary approval last night, defined the harbor as being west of a line between Rock Point in Anne Arundel county and North Point in Baltimore county.

## Oyster bars

That amendment was acceptable to Mr. Malkus and other Eastern Shore legislators because it prevents the dumping of contaminated spoil near Chesapeake Bay oyster bars.

The Baltimore port interests, which had opposed the Malkus bill at a hearing last week, accepted the compromise amendments because it allows port officials to initiate badly needed maintenance dredging in the harbor approaches.

The dredging to be done this  
See DREDGE, C4, Col. 1

C 4 THE SUN, Tuesday, January 28, 1975

## Senate defeats moves to prevent spoil dumping at Hart-Miller isles

**DREDGE, from C1**  
year by the Army Corps of Engineers lies east of the harbor limits as defined and extends about 2 miles down to the Bay Bridge. The work is to start February 17, and the spoil is to be dumped at the Kent Island "deep."

The dredged material from the harbor west of the line is to be taken to a proposed dike area at Hart and Miller Islands that will have a capacity of 100 million tons. This work would begin in 1978.

The original bill, which did not mention Hart and Miller

Islands has been amended to allow contaminated spoil from Baltimore to be "redeposited in contained areas approved by the Department of Natural Resources." The department favored the Hart-Miller site at the hearing last week.

Senator Hutchinson last night suggested that the material to be dredged in the process of deepening Baltimore's harbor to 42 feet could be redeposited within the harbor limits, at a site at the mouth of the Patapsco River with a capacity of 75 million cubic yards.

"There is no room at the

mouth of the Patapsco," replied Harry J. McGuirk (D., 37th, Baltimore), whose Economic Affairs Committee has been holding hearings on the bill.

The committee's favorable report on the bill was adopted last night by a vote of 41 to 3. Senators Hutchinson, Stone, and Arthur H. Helton (D., Harford) opposed it.

If it is passed and signed by the Governor, the bill would become effective July 1. "I think it will be the last time there is open dumping in the bay," Senator McGuirk has said.



# Board Delays Action On Hart-Miller Dike

New. Sept. 23 - 1975

By DAVID AHEARN  
News American Bureau

ANNAPOLIS — The state Board of Public Works has delayed its expected decision to approve plans for construction of dikes at Hart and Miller Islands.

The dikes would hold dredged spoils from Baltimore Harbor's silt-clogged shipping channels.

Board action was delayed after a three-hour hearing on the matter Monday because one board member — State Treasurer William S. James — was absent to be near his son, who was hospitalized the night before with injuries received in an auto accident.

However, Gov. Mandel — who heads the board — made it clear that the delay won't be long.

Mandel noted sharply that action on the dikes-construction project has been delayed too long already, saying,

"Either we're going to do it or we're not going to do it. We've held this open for five years to hear from everyone."

The governor's comment was in rebuttal to testimony by State Sen. Norman R. Stone, Jr., D.-Baltimore County, who asked the board not to approve the project quickly. Stone was one of many protesters testifying against the plan.

After hearing Mandel's remarks, another protester — House of Delegates majority leader John S. Arnick, D.-Baltimore County, said:

"The only hope we have now (of defeating the plan) is before the Army Corps of Engineers."

But Mandel hopes to spur quick — and favorable — army action by gaining swift action by his state board.

Others testifying against the diking proposal included Sen. Donald P. Hutchinson, D.-Baltimore County, the county executive, Theodore Venetoulis (he sent a statement) and citizen Joseph Bormel, president of the Hart and Miller Island Area Environmental Group.

Advocates of the plan noted that Baltimore is losing enormous amounts of shipping business because the channels are too shallow to permit huge, fully-loaded ships to call at the port.

Union spokesmen noted that lost business translates into lost jobs for port workers. The AFL-CIO went on record at the hearing as favoring the diking project.

And the Greater Baltimore Chamber of Commerce position is that there has been an

"unconscionable delay" in government moving to properly maintain the channels and dredge out the collected silt that poses a danger to navigation.

## Mandel To Decide

Essex Avenue

Sept 24, 1975

Governor Marvin Mandel and State Comptroller Louis Goldstein, as members of the Board of Public Works, sat for over three hours listening to testimony regarding the construction of a spoil containment site at Hart and Miller Islands on Monday afternoon at the State House in Annapolis. The size of the crowd forced officials to transfer the meeting from the Governor's

Conference Room to the House Chamber.

The Board of Public Works is now taking the matter into consideration and is expected to render a decision shortly. Indications are the three member body, composed of the Governor, the State Comptroller, and the State Treasurer, will approve the dike facility.

Although Louis Goldstein asked numerous questions concerning the present and future recreational use of the islands, State Senator Donald P. Hutchinson announced, "The boaters are happy with the islands in their present state. They don't want ballfields and tennis courts."

He continued, "Back River is perhaps the deadest river in the State. The dike would severely hamper the flow from Back River. It would be killing completely what is alive in Back River . . . The people of that area know the misuse of resources by governmental agencies."

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## Dredging Bans Rejected

News 1-28-1975

By DAVID AHEARN  
News American Bureau  
ANNAPOLIS — Attempts to block a plan for dredging Baltimore's harbor were firmly

and repeatedly put down Monday night in a long State Senate meeting.

Baltimore County senators attempted without success to

put amendments on a bill that would have banned dumping of dredged spoils at Hart and Miller islands.

But other senators from the city and the Eastern Shore said dredging is needed and the dumping site is a good one, and rejected the amendments by lopsided votes of 36-9, 39-5 and the like.

The countains fear the spoils may be odoriferous.

However, the shoremen don't want spoils dumped in the Chesapeake Bay where they might contaminate shellfish beds.

In a compromise, the city and shore senators agreed that spoils dredged from the cleaner bottom beyond the harbor mouth can be dumped in the bay, but all dredgings from the harbor must be put behind a dyked wall.

The Senate today is expected to give tentative approval to the measure, which was amended to include the compromise.

That compromise likely will mean a dyked wall will be built at Hart and Miller islands, and the spoils dumped there instead of in the bay waters.

However, Sen. Donald P. Hutchinson, D-Baltimore County, proposed that the spoils be dumped elsewhere — at the Patapsco Flats, Thomas Cove, Hawkins Point, and the Patapsco River Mouth.

The debate on the harbor dredging blocked Senate ac-

tion on the favorable report until after 10 p.m. delaying a vote until today on another controversial issue — Baltimore Police Dept. spying on black politicians, clergymen, newsmen, lawyers and others not suspected of crimes.

### Hart, Miller site backed

Annapolis Bureau of The Sun

Annapolis—Three years after the initial hearing, a state Board of Public Works examiner recommended yesterday that the state go ahead with its plans to build a diked disposal area for Baltimore harbor sludge around Hart and Miller Islands at the mouth of Back River in the Chesapeake Bay.

The highly controversial project apparently is nearing a final state decision after a tortuous five-year cycle of reports, hearings and delays.

The board was expected to rule in favor of the plan yesterday, but a key member of the three-member board, William S. James, the state treasurer, was not present because of an automobile accident that critically injured his 18-year-old son late Sunday. (Article, Back Page.)

Governor Mandel said at yet another hearing on the project yesterday, however, that he felt that a final decision on the proposal had been delayed long enough.

And it appeared by the questions asked by both the Governor and Louis L. Goldstein, the state comptroller and the third member of the Board of Public Works, that the project would be approved.

Mr. Goldstein said after the meeting that he still has an

See DREDGE, C2, Col. 2

### Hart-Miller

#### DREDGE, from C1

open mind. The Governor said he was leaning toward approval, but that he still had some questions he wanted answered.

The proposed diked area — eventually to be about 2 square miles — is intended to hold sludge and other contaminated material from the harbor and its approach channels as the harbor is deepened and widened. The project is considered essential to the future prosperity of the port of Baltimore.

Opponents of the plan contend, however, that the Hart and Miller site is not the best available, that the diked area will be an ecological and esthetic mistake, and that productive fishing and recreational areas will be destroyed.

The state plans to build a park on the man-made island

once the project gets underway.

Should the board approve the dredging and dumping, Army Corps of Engineers approval then would be required before the project could begin.

Larry Goldstein, the state hearing officer, who is not related to the comptroller, told the board that since his initial hearing in Towson April 27, 1972, he has become convinced that "the preponderance of the evidence" is on the side of using the two islands for the diked disposal area.

But, he said, there should be strict ecological and environmental controls once the actual dredging and dumping in the upper bay has begun.

Recommendations by hearing officers usually are accepted by the Board of Public Works.



# The Hart-Miller Island Dike

On Monday, June 23, The News American, in its editorial, "No Quick Solution" said, "The issue is whether or not to dump Baltimore Harbor spoils at the island site." (Hart and Miller.)

This is not the issue. The issue is whether or not the state wants to solve the problem or move the problem. By constructing a diked facility at Hart and Miller the state is moving the problem and would have to continue to move the problem for years to come.

What is indicated is a diked disposal area in the Baltimore Harbor attached to fast land and suitable for development of industrial sites. This location would be in close proximity to rail access and a barge handling dock by water. While this site is under construction, design and construction of a combined dredged spoil processing plant, light-weight aggregate plant and refuse incineration will progress on land to which the dike is attached.

The use of dredged spoil for beneficial products has already been accomplished in many areas of the country. In fact the State of Maryland in March, 1974, compiled a study made by Roy T. Weston, Inc., which concluded that synthetic aggregate from Baltimore Harbor spoil was attainable. This study shows that harbor spoil can be used for beneficial purposes. For some inexplicable reason the Maryland Department of Natural Resources has seen fit to ignore this objective, scientifically feasible and economically profitable approach to the problem.

Hundreds of thousands of Maryland tax payers' dollars have been spent to encourage the destruction of 1,100 acres of the natural resources of this state. No consideration is being given to developing a procedure that is harmonious with the environment and conducive toward creating jobs.

The editorial goes on to say, "The further delay comes despite the fact that the Port of Baltimore is losing an estimated \$1 million per year because of the silt build-up in the channel. 'I challenge the accuracy of this statement.'

On March 15, 1975, I was aboard the Army Corps of Engineers' dredge "Esseyon." I was shown charts of the Baltimore Harbor Channel and was told that the Baltimore Channel was not silting. It was at its authorized depth of 42 feet. The 800,000 cubic yards of channel that was being dredged at that time was from one side of the cut off Brewerton Angle. The other side of the Brewerton and Craighill approaches are scheduled to be dredged beginning in February, 1976.

When I asked the officer on the bridge about the claims of the serious threat to commercial shipping because of dangerously low channel depths, his reply was, "Poppy-cock."

In 1974, despite a coal strike and nationwide recession, cargo shipments increased at a record 43 million tons. The Maryland Port Administration says it can do more and I hope it can, but loss of additional revenue to the port is due to the fact that the port does not have adequate facilities to handle more merchandise. The contention that the harbor is not deep enough is inaccurate.

JOSEPH BORME  
President  
Save the Island

## Sen. Stone Joins Long In Scoring Dike Report

The U.S. Army Corps of Engineers environmental impact report on the Hart-Miller island spoil dike project is an "inconclusive hodgepodge of hedging, dodging and double-talk," in the opinion of State Sen. Norman R. Stone.

The Baltimore County legislator was a little more wordy than Rep. Clarence D. Long, D-Md., who last week called a "high-class brushoff" the report on the state's plans to build a diked spoil containment area at the two islands in Chesapeake Bay.

Stone, a 6th District Democrat, rapped the report even though it found there would be an advantageous environmental impact through "an increase in the water quality of the upper Chesapeake Bay by the elimination of open dumping."

"Obviously when Hart and Miller Islands are made the walled-in garbage dump of the Upper Bay, the water quality in the general area of the upper bay is going to improve," Stone said.

"But what about the long-range effect of the 10-year spoil dumping project on the water quality in the Hart and Miller island area? And what about the possible permanent ecological damage from the slowing down of the already sluggish Back River current, as a result of filling in the opening between Hart and Miller Island?"

The report, Stone notes, says there will be "no significant effect" on the current.



BALTIMORE  
COUNTY

"However, a detailed explanation of just what the effects will be is carefully avoided and we are left in the dark as to exactly what criteria are used to distinguish between 'effects' and 'significant effects,'" the senator declared.

Stone added that while the re-

port lists the project's immediate and unavoidable adverse environmental effects. It offers "no positive or definite assurances against long-range adverse effects."

He cited these points:

- Of turbidity and siltation the report states it "should have only minor effects on the estuarine environment."

- Of increased boat traffic as an indirect result of the dredging, the report states "may possibly result in an increased levels of water pollution."

- Of noxious odors and muddy unsightliness, the report says it could possibly accompany the disposal operation."

- Of the effect on fish spawning, the report states "there will be a limited effect on the spawning of a few species, but no significant effect on the important spawning grounds of the upper bay."

- Of Hart and Miller Island as a site for the project and future use as a recreation area, the report states "the site is reasonably acceptable to ecologists. However, the site would possibly disturb existing fish and may be in conflict with present or intended land use."



# Long Labeled Top Barrier To Hart-Miller Dump Site

By JOE WACHTMAN  
Staff Reporter

Rep. Clarence D. Long, D-2d, remains the major obstacle to Maryland's proposed diked disposal area at Hart-Miller Island, according to James B. Coulter, Secretary of Maryland's Dept. of Natural Resources.

"Realistically, it will not go quickly so long as Congressman Long is opposed," Coulter told a meeting of the National Defense Transportation Assn. at the Governors Club.

"No one will move until he is absolutely certain he can defend his position against Long.

"I still say this is the best site and I will not back away just because Congressman Long says I don't have the brains for the job and ought to be fired."

Dr. Walter C. Boyer, deputy Maryland Port Administrator, agreed that "It is as difficult to get a 'no' as a



"yes" from the U.S. Army Corps of Engineers on the state's application for a permit to construct the containment facility.

"We are hearing all kinds of lunatic proposals for disposal of dredged material — some of them coming from federal agencies," Boyer said. "Many could be done — if the money is forthcoming."

He said costs of disposing of one cubic yard of dredged

material range from about \$2 (open-water disposal) to \$22 (hauling it to Western Maryland and dumping it in empty mines).

He estimated the cost of disposing of dredged matter in the Hart-Miller Island containment at around \$4 a cubic yard, noting, "I anticipate a user charge of as much as \$1 a cubic yard."

Boyer said Philadelphia interests are complaining, "These costs are killing us," while paying only \$2.43 a cu-

bic yard. The cost of disposal in Norfolk is only 84 cents because a containment area (Craney Island) was created by the federal government.

Richard Griffith, regional director of the U.S. Fish & Wildlife Services, Boston, admitted that some agency opposition to dredging may have been misguided.

"What we fear the most is what we least understand," he said, noting that studies in Long Island Sound indicate that openwater dumping in deeps does not cause any significant dispersal problem.

"What we thought would happen has not," he said. "Some of the problems we feared have not materialized."

He also admitted that "economic as well as recreational and biological interests" should be considered.

"I am convinced that with the type of community effort being developed here, we can move much quicker than in the past," he added.

Lester Belcher Jr., executive director of the Maryland Watermen's Assn., said watermen accept the fact that dredging is necessary and are not opposed to it.

"What is important is the time of year dredging is done, where it is dumped, the type of material dumped and the time of year it is dumped," he said.

Col. Robert S. McGarry, Baltimore district engineer, who moderated the panel discussion, said the Army Corps of Engineers will conduct another public hearing on the Hart-Miller Island permit "in about 30 days."

He also announced that Congress has appropriated money for the corps to begin a two-year study of the dredged spoil disposal problem in Baltimore Harbor.

## Watermen Back Diked Area, 10-1

Member organizations of the Maryland Watermen's Assn. are 10 to 1 in favor of the state's proposal to build a diked disposal area for dredged material at Hart-Miller Island.

"Apparently this is one of the more logical plans, the way I see it and the way 10 other county groups see it," said Lester Belcher Jr., executive director of the statewide organization.

But, he said, "The Maryland Watermen's Assn. as a whole — 11 groups — has not taken a stand on Hart-Miller because of the Baltimore County Watermen's Assn."

"Based on the information I have, opposition to Hart-Miller is based on false and misleading information," Belcher said. "I have been able to discern no hard facts in their arguments — including those of the Baltimore

County Watermen's Assn."

Belcher, who participated in a panel discussion on "Dredging and Deepening of Baltimore Harbor and Chesapeake Bay" sponsored by the National Defense Transportation Assn. at the Governors Club, alluded to a letter from the Baltimore County group but did not disclose its contents.

W. B. Lanier, vice president and program chairman of the Baltimore Chapter of the NDTA, said he received numerous phone calls from the BCWA, some demanding representation on the panel and others insisting the entire NDTA meeting be canceled.

Sam Baxter, president of the Baltimore chapter said, "We have had some strong phone calls questioning our coverage of the subject."

The panel, with Col. Robert McGarry, Baltimore district engineer, as moderator, included Richard Griffith, regional director of the U.S. Fish & Wildlife Services; James L. Coulter, state secretary of the Dept. of Natural Resources; Dr. Walter C. Boyer, deputy Maryland port administrator, and Belcher.

Belcher described the BCWA members as "too emotionally involved" and said most of their opposition is based on "downright lies."



# DNR Re-Evaluates Dike Proposal; 'Peer Review' Committee Chosen

By Gail Greason

Because of the considerable amount of controversy regarding the merits of the Hart-Miller Islands dike disposal area and discussion concerning alternative sites, the Department of Natural Resources has agreed to a re-evaluation of the entire project.

Various agencies, local government groups and citizen-sponsored groups requested that such a re-examination take place for the long-term good of the Chesapeake Bay area and the proposed dike with its effect on the total ecology of the entire Baltimore County area.

As a result of an earlier meeting held in Annapolis between DNR officials, Baltimore mayor Donald Schaeffer, Baltimore County executive Theodore G. Venetoulis and several representatives from Eastern Shore Counties and groups, a decision was made to form a citizens committee to be responsible for review of evaluations and decisions relating to the final sludge disposal sites.

The group has been asked to select a consultant of their own choice and then make a systematic comparison of the environmental impacts, both positive and negative, for the sites proposed by the consultant.

The Baltimore County delegation was appointed by county executive Venetoulis on recommendations from State Sen. Norman Stone, Senator Donald Hutchinson and Councilman Norman Lauenstein.

Appointed by Mr. Venetoulis were Joseph Bormel of Catonsville who is president of the Hart-Miller Islands Area Environmental Group, Thomas A. Durkin of the Baltimore County Watermen's Association from Miller's Island, Charles G. Greason of Dundalk who is the outdoors writers for the TIMES Newspapers, James Port of the Porter Brothers Construction Company of Essex, Milton Rehbein of Essex from the Baltimore County Watermen's

Association, Edward Rybchinsky of Highlandtown representing the Hart-Miller Islands Area Environmental Group, Mrs. Virginia Tolbert of Edgemere who is the president of the North Point Peninsula Community Coordinating Council and Mr. Paul Solomon, chief of the Environmental Section of the Baltimore County Office of Planning in Towson.

The group was named the "Peer Review Steering Committee" by the Department of Natural Resources and other areas are to be represented by John M. Ashley, president of the Board of Queen Anne's County Commissioners, Centerville; Bernard Berkowitz, mayor's staff of Baltimore City; Franklin H. Brimsfield, County Council of Talbot County, Easton; S. Glyn Edwards, Board of Kent County Commissioners.

The State will be represented by Dr. Paul Massicot, Power Plant Siting Program, Annapolis, and acting as Moderator for the group will be Mr. L.E. Zeni, Director, Power Plant Siting Program, Annapolis.

Representing the Federal level will be Dr. Donald W. Lear, Environmental Protection Agency, Field Office Science Center, Annapolis; Dr. Robert Lippson, Environmental Assessment Division, National Marine Fisheries Service, Oxford; and Mr. Larry R. Shanks, Fish and Wildlife Service, DRBS, Annapolis.

Technical advisors will be Dr. John Boland, Department of Geography and Environmental Engineering, The Johns Hopkins University, Baltimore; Dr. Frederick Holland, Martin Marietta Laboratories, Baltimore; and Dr. Tibor Polgar, Martin Marietta Laboratories, Baltimore.

The first meeting of the Peer Review Steering Committee was held in the Baltimore County Executive's Office on Saturday, March 22, at 10 a.m. with all but three members present.

Mr. Venetoulis opened the meeting by giving a brief synopsis of the situation and then asked everyone to try to keep an open mind in trying to solve the very complex problem.

He then recommended that the citizens run the committee and that the technical advisors act in their official capacities, but not as officials of the committee.

Mr. Venetoulis said that the committee should explore any additional sites recommended and that the guidelines for the consultant should include examination of any other technical alternatives available for dumping.

He added that there is a need to know all the alternatives of disposal of the sludge dredged from the channel.

Mr. Rybchinsky, of the Hart-Miller Islands group, expressed concern about the 1100 to 2000 acres of bay to be lost in the diking process, along with the safety problems raised by the containment area plans.

He said that he hoped the federal and state officials would reconsider the use of diked facilities because there is a need for more scientific study for other uses of the dredged spoil rather than





simply creating land-mass. Dr. Lear, from the E.P.A. agreed that there are other uses for the spoil but that the funding for such projects would have to come from state and county authorities and he wasn't sure if they could afford the costs involved.

He said, further, that he thought that a diked area was the best solution at this time but that it didn't necessarily have to be at Hart-Miller Islands.

Also, by using a smaller site of 10 to 15 million cubic yards, the dredging could begin and continue for 5 to 8 years allowing time for the scientists to come up with possible alternatives to dumping.

A question was raised by Gail Greason asking if anyone in the group had been to the Craney Island project in Virginia, which is similar in construction to the one proposed at the Hart-Miller Islands site. After relating his experiences about visiting the project last summer, Mr. Venetoulis suggested to Mr. Zeni, the moderator, that the committee should consider

making a field trip to that project before making any serious decisions on our local problems.

The committee agreed, and Mr. Zeni said that he would try to arrange a trip to that facility sometime in April so that the group could further familiarize themselves with some of the problems being faced in the Chesapeake Bay.

Mr. Venetoulis requested that Mr. Zeni contact the Corp of Engineers and ask them to hold the pending permit in obedience until this committee has made its findings and presented them to the DNR and the Corps.

Mr. Bormel asked Mr. Zeni that if in event the committee approved an alternate site not previously recommended, should we not get the approval of the Corps before making a final decision.

Mr. Zeni said he was not sure on either point but that he would have then clarified sometime this week and then relay the answer from the Corps to the committee.

Mr. Zeni then said that he had been allotted between 80 and 120 thousand dollars for the three month consultant's study and that the committee should concentrate efforts to the proper guidelines and criteria for the consultant to follow.

Mr. Zeni then referred to his report which says that the committee's major objective is to estimate and compare the environmental impacts, positive and negative, that will stem from formation, operation and final use of alternative sites or groups of sites as the location of a containment area or areas for the deposit of given amounts and types of spoil likely to be dredged from the Baltimore Harbor and its approaches.

Zeni then asked if the work schedule prepared for the committee by the DNR was acceptable to all concerned. Everyone agreed that it was a tight time frame, but that they would make every effort to comply.

## Let the People Decide

*News 1-28-1975*

The statement by an Eastern Shore congressman, that he hoped Hart and Miller Islands would become the spoil disposal site for dredged material from the Baltimore Harbor had to come from a shortsighted, narrow minded man, posing as a representative of the people.

Anyone who would condone or try to justify the wanton and deliberate destruction of even the smallest part of our beautiful heritage (the Chesapeake Bay) could never have had the best interests of his constituents at heart.

The issue of open bay or diked spoil disposal should not be determined by any one group of politicians hypnotized by big money interests. This is an issue to be settled by the taxpayers of Maryland, the people who make their living fishing and crabbing, tonging for oysters, or the average person just wetting a fishing line on a balmy summer's day.

Before we allow our Judas political representatives to turn the bay into a garbage dump, either directly or indirectly by use of two or more of its beautiful islands as disposal sites, we must demand that the Chesapeake Bay spoil issue put to the ballot.

EDWARD C. WEATHERSTEIN

## The Harbor Sludge

After reading about the controversy over the dumping of the sludge from the harbor dredging, I would like to propose a solution.

On the average, about 20 ships leave our ports every 24 hours, so why not — if the legal or other barriers could be overcome — have the ships tow the sludge in containers and empty them into the mouth of the bay or into the Atlantic Ocean?

New York has carried garbage and trash to the Atlantic for years, I am told. So this is not a new idea.

RICHARD SIMPSON

## Hart, Millers Islands JAN 13 1972 Dike Meeting Set *Essex Times* For January 18

The Hart and Millers Island Area Environmental Group will hold another general public meeting on the proposed rock and sand dike on Hart and Millers Islands at the mouth of Back River at the North Point Junior High School, Wise Avenue and Merritt Boulevard, on Tuesday, January 18, at 8 p.m. Featured will be the showing of the film taken by William Cooper, the group's boating chairman, of the Craney Island (Va.) dike and the surrounding area.



By RICH HOLLANDER  
Staff Reporter

Organize labor turned out by the hundreds Saturday in a dramatic demonstration of support for the proposed dredged spoil disposal area on Hart-Miller Island.

An estimated 1,100 people almost exclusively from the ranks of labor, jammed Patterson High School in East Baltimore to hear 79 speakers argue the merits of the Hart-Miller site. The hearing, sponsored by the Army Corps of Engineers, was required by law before a decision can be reached on the dredging application filed by the state.

Placards with inscriptions calling for jobs were displayed both in and outside the school auditorium. Typical signs read: "For Hart-Miller," "Jobs Now," and "Environmentalists Are Polluting Our Economy."

The chief target of union antagonism was Rep. Clarence Long, D-2d, who has been the most vocal foe of the Hart-Miller projects.

Long pointedly told union leaders that they were "letting themselves be used" by industrial concerns who would gain by the dredging.

"The issue is whether we drop the crud in a lovely part of the bay or put it where it's already polluted," said Long.

The congressman's vehement denunciation of Hart-Miller had little influence on the masses of blue-collar workers and their leadership. Thomas M. Bradley, president of the metropolitan area council of the AFL-CIO, termed Long's "delaying tactics" an "unconscionable act."

"The time for delay is over and the time for a firm, responsible decision is at hand," said Bradley, who represents 189 local unions. "The decision should be based on fact, not fiction and hysteria."

Precisely what is fact is issue in itself. Throughout the lengthy hearings rumors circulated among the anti-Hart-Miller forces that Bethlehem Steel had ordered its workers to show up at the public hearing.

Edward Rybczynski, attorney for the Hart-Miller Island Area Environmental Group, said he had "documented proof" that the large steel manufacturer was, at least in part, responsible for the mammoth crowd. Bradley denied the charge, saying that Bethlehem Steel "had

nothing to do with the turnout."

On the economic issue both labor and business were clearly on the same side during the hearing. Repeatedly testimony was offered predicting economic disaster if the dredging proposal is not approved.

Edward R. Lamon, director of the AFL-CIO's Committee on Political Education (COPE), said the issue is "to save the jobs of the 170,000 citizens whose livelihood is dependent upon the port."

"Ships are being turned away because we have limited shipping lanes available that accommodate large vessels," said Lamon. "Some large ships are coming in and going out at substantially less than full capacity because of otherwise impossible shipping lanes."

Lamon's position was supported by Baltimore port administrator Joseph L. Stanton, who said that the port's annual input of \$2.5 billion into Maryland's economy would be jeopardized by a failure to approve the site.

"The disposal area is essential to the continuation of a high rate of employment among our Maryland citizens and the creation of a new recreational area within the bay for the use of our children and future generations," said Stanton.

Long testified that the spoil disposal would be "an eyesore and a navigation hazard to 7,000 small boats" and would "pollute the water and smell up the air."

# Labor Turns Out To Call For Hart As Spoils Site

## DIKE ONE STEP CLOSER *Times Nov 13-75*

Only Colonel Robert McGarry and the Army Corps of Engineers stand between the state and final approval of a diked disposal area at Hart and Miller Islands at the mouth of Back River in the Chesapeake Bay.

The State Board of Public Works--Gov. Marvin Mandel, Comptroller Louis Goldstein, and William S. James--put their rubber stamp on the project to dump 54 million cubic yards of contaminated harbor sludge into a 2 square mile containment area

between Dundalk and the Essex-Middle River shores of the bay.

While city and state officials have favored the plan since 1971, they have met widespread and concerted opposition from environmental groups here, and backed by the political clout of Congressman Clarence Long Jr., the issue has been drawn through a series of reports and hearings which were well publicized by the TIMES papers but virtually ignored by the metropolitan dailies.

As in most highly-charged issues, the Hart-Miller controversy was characterized by the manipulation of facts and circumstances at the expense of the truth. Two expensive engineering studies arrived at conflicting conclusions. Opinion differed as to how desperate the port of Baltimore needed dredging. Meetings meant to offer public expression for the records were packed by one side or the other.

Ultimately, opponents knew they were fighting city hall and losing, and the announced approval last week came as no surprise. But the diehard dike fighters have declared they will not submit to the Army Corps of Engineer's decision to build, and the entire issue may likely end up in court.



# New Bill Would Restrict Hart-Miller Dike Size

Essex Times  
3-13-75

A bill setting restrictive guidelines on Baltimore Harbor spoils dumping is expected to come before the Maryland House of Delegates early next week, according to Delegate Dennis Rasmussen (D., 7th), a co-sponsor of the legislation.

The new law would prohibit the construction of any new dikes within the Baltimore harbor unless they were under 25 million cubic feet in capacity or unless larger sites were first tested in scale model by the Army Corps of Engineers.

The new testing device, known as the Hydraulic Chesapeake Bay Model, is a 14-acre test site costing the federal and state governments \$27 million to build. The area is expected to be in service by 1977.

In effect, House Bill 922 would halt the Hart and Miller dike's 200 million cubic yards of dumping at least until late 1977.

Although the bill does not specifically ban Hart-Miller, it would require a comprehensive evaluation of alternatives to that location. The Department of Natural Resources (DNR) and the Department of General Services would choose a dumping site after an independent consultant reports on other sites.

Such an evaluation has already been promised by James Coulter, secretary of DNR, in a letter to Baltimore County Executive Theodore G. Venetoulis.

Dredging of the Baltimore Harbor would not be delayed, however, since the proposed legislation allows for dumping at a previously built dike, such as the Marley Neck site.

Mr. Rasmussen said that H.B. 922 was originally written to stop the proposed Hart-Miller dike, but because of strong opposition to the same type of legislation on the State Senate, Rasmussen said he and other Baltimore County delegates decided strict control and protection of

the harbor was the best alternative.

"Opposing the Hart-Miller dike is a very futile effort," said Rasmussen. "Anything that would prohibit Hart and Miller's Island and anything that's going to delay the dredging of Baltimore Harbor has absolutely no chance of passing the assembly."

If passed, the bill would allow the selection of an independent consultant to study

nine possible spoils dumping sites in the harbor during the next six months. During this time, the Army Corps of Engineers will hold hearings on the Hart-Miller dike.

Both actions have come about as a result of public pressure and claims by laymen and experts alike that the original report, known as the Green-Trident report, was

(Continued from Page A-1)

nothing but a case built around Hart and Miller Islands.

According to Rasmussen, H. B. 922 would not stop the Hart-Miller site unless the consultant recommends and the Department of Natural Resources agrees on another dumping plan.

"But they still won't be able to go ahead (with Hart-Miller) until it's been tested and they are sure they can go ahead with the 100 million cubic yard site," Rasmussen said.

Rasmussen feels that his

legislation overcomes most of the objections to anti-dike proposals and, because of this, H.B. 922 has a good chance of passage in the House.

Rasmussen admits, however that time is running

short. The bill must be passed on to the Senate, where stronger opposition is expected.

Other delegates sponsoring H. B. 922 are Patrick Welsh, William Rush, George Heffner, Michael Weir and Peter Basilone.

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## Save The Islands

A group formed for the sole purpose of preventing the destruction of Hart & Miller's Islands in the Chesapeake Bay

by Joseph Bormel  
President

On March 3, 1975, Mr. James B. Coulter, Secretary of the Department of Natural Resources, said his department will do a new study on Hart and Miller Islands as the dump site for polluted dredging spoil from Baltimore Harbor. The new study is supposed to take three months and several independent firms will be considered, from which one will be selected.

If Mr. Coulter intends to restrict the new study to Hart and Miller Islands, Black Marsh, Six-Seven-Nine Foot Knolls, Patapsco River Mouth, and Belvedere Shoal, then the study will only be an exercise in futility and a waste of the taxpayers' money. We feel these sites are unacceptable.

Our opposition to Hart and Miller Islands is well known. At Black Marsh, the deposition of spoil would be damaging to a large segment of wetland area. The north end of the marsh is populated and the State has plans for future park use for Black Marsh. The remaining three sites, Six-Seven-Nine Foot Knolls, Belvedere Shoal, and Patapsco River Mouth, would pose a possible navigational

hazard to Brewerton and Craighill channels. Problems of hurricane tides, strong down bay currents, proximity to oyster beds, and many other disadvantages make these sites completely unacceptable to commercial interests as well as Federal authorities.

In addition, these sites will be a detriment and a hazard to the Chesapeake Bay.

Our recommendations will be made available to the consultants for evaluation and study.

The Hart and Miller Islands Area Environmental Group would like to interview the consultants prior to their selection to make certain they are not biased in their opinion and that the five or six alternative sites will not be the same ones used in the Trident Engineering and Green Associates report. An objective evaluation should be just that, objective, and should not be a rubber-stamped State-agency-requested recommendation.

## Harbor Dredging Benefits Challenged By Bormel

The only benefit from dredging the Baltimore Harbor to a depth of 50 feet will be a \$1 a ton saving for petroleum companies and steel mills, according to Joseph Bormel chairman of the city comptroller's Harbor Pollution Committee.

"I, along with public officials and citizens of this state was led to believe that we had to dredge the Baltimore Harbor. I admit I was wrong," he said.

"The dredging of Baltimore Harbor to 50 feet (from 42 feet) will in no way affect maritime competition with neighboring port cities," Bormel said he was told by a "high ranking official of the Corps of Engineers."

"It will save about \$1 a ton for a few petroleum companies and steel mills by bringing deeper draught vessels to their piers, but the Port of Baltimore will not lose one penny from our normal world trade if the present depth of 42 feet remains as is," Bormel said.

"On the other hand, it will cost the taxpayers of this country . . . untold millions upon millions upon millions of dollars over the next 50 years to benefit a few petroleum and steel companies.

"Take into account the cost of dredging — relocation of water mains and other underwater utilities — engineering studies — surveys—etc."

BORMEL charged that the dredging would "ruin beautiful

and natural recreational boating and camping areas, woodlands and beaches for at least the next 30 years — virtually destroy crabbing and fishing in the diked area and possibly interfere with the Susquehanna Flats where fish feed and spawn."

In addition, he said, dredging would "damage our wetlands and promote adverse ecological effects in these marsh areas, cause property values to depreciate due to air and water pollution, and cause the economics of the county and state to suffer as a result of the exodus of the boating industry from the area.

"I maintain that we have been misled in believing that we have to dredge Baltimore Harbor . . . in order to compete with other cities on the East Coast for maritime trade. Nothing could be further from the truth. We don't have to dredge . . . we don't need a dike disposal area and we don't have to disrupt the environment."

BORMEL suggested, "Doesn't it make sense for the federal government to give priority toward the construction of a Chesapeake Bay model which will allow us to automatically reproduce cycles in the bay and obtain scientific computerized data?"

"We will then know accurately what environmental effects a project will have on a certain body of water and we will not

have to gamble on experts' opinions."

According to figures released by Bormel costs on the dredging project would be as follows:

- The estimated Federal dredging costs as of June, 1969 — \$99.3 million.

- The estimated federal cost of maintenance of dredging — \$335,000.

- Corps of Engineers monitoring environmental project — \$350,000.

- Aids to navigation — \$10,300.

- Project construction cost to Maryland, 1970 estimate — \$65.4 million.

Bormel said about 20 per cent would have to be added on to cover increased costs since date of estimates.



To the Editor:

The statement made by a certain Eastern Shore Congressman, "...that he hoped Hart and Miller Islands would become the Spoil Disposal site for dredged material from the Baltimore Harbor....", had to come from a short-sighted, narrow minded idiot, posing as a representative of the people.

I deem it safe to say that anyone who would condone or try to justify the Wanton and Deliberate destruction of even the smallest part of our beautiful heritage (the Chesapeake Bay) could never have had the best interests of his constituents at heart.

The issue of open bay or diked spoil disposal should not be determined by any one group of politicians hypnotized by big money interests. This is an issue to be settled once and for all by the taxpayers of Maryland, the people who make their living fishing and crabbing, tonging for oysters, or the average person just wetting a fishing line on a balmy summer's day.

I say, before we allow our Judas political representatives to turn the bay into a garbage dump either directly or indirectly by use of two or more of its beautiful islands as disposal sites, we must DEMAND that the Chesapeake Bay be put to the ballot.

Sincerely,  
Edward C. Weatherstein  
981A Lorely Beach Road

## Support Sought By APR 13 1972 Group Fighting ESSEX TIMES Hart-Miller Dike

Essex, Middle River, Edgemere, Sparrows Point and other upper bay communities were asked this week to indicate their support for the preservation of Hart and Miller's Islands.

Civic, conservation, sporting, service, veterans and other groups were asked to contact Alfred Clasing at MU 6-1095 or George Martinak, 687-0075, of the Hart-Miller's Island Area Environmental Group within the next week. The Group is putting together a listing of all supporting members.

The environmental group has also urged county residents to attend the Maryland Department of Natural Resources hearing on April 17 at Stemmers Run Junior High School, 7:30 p.m. 0

## *Nov. Sept. 22 1975* Orlinsky Favors Hart-Miller <sup>153</sup> As Site For Harbor Dredge

Hart-Miller Island would serve as "an appropriate facility for the deposit" of harbor bottom dredge material, claims City Council Presi-

dent Walter Orlinsky.

In a letter to Col. Robert McGarry, Baltimore district engineer for the Army Corps of Engineers, he stated:

"The main problem with the Hart-Miller Island is evidently the design of the dike. I am sure the Corps of Engi-

neers can take appropriate steps to insure the design is within generally accepted engineering standards.

"My dissatisfaction with the Sollers Point and Colgate Creek locations stems largely from the fact their size is totally inadequate and the cost per cubic yard of dredged material is prohibitive."

Orlinsky, who is apparently the first city official to take a position on the controversial issue, said he based his stand primarily on findings of a report compiled by Roy Mann Associates.

"I believe the Hart-Miller location is the best choice that can be made. I hope the Corps of Engineers will agree," Orlinsky wrote.

"Dredging, for us, is not simply a desirable economic benefit. It is jobs, new industry and the retention of Baltimore as a great East Coast seaport," he concluded. 1



# New Bill Would Restrict Hart-Miller Dike Size

A bill setting restrictive guidelines on Baltimore Harbor spoils dumping is expected to come before the Maryland House of Delegates early next week, according to Delegate Dennis Rasmussen (D., 7th), a co-sponsor of the legislation.

The new law would prohibit the construction of any new dikes within the Baltimore harbor unless they were under 25 million cubic feet in capacity or unless larger sites were first tested in scale model by the Army Corps of Engineers.

The new testing device, known as the Hydraulic Chesapeake Bay Model, is a 14-acre test site costing the federal and state governments \$27 million to build. The area is expected to be in service by 1977.

In effect, House Bill 922 would halt the Hart and Miller dike's 200 million cubic yards of dumping at least until late 1977.

Although the bill does not specifically ban Hart-Miller, it would require a comprehensive evaluation of alternatives to that location. The Department of Natural Resources (DNR) and the Department of General Services would choose a dumping site after an independent consultant reports on other sites.

Such an evaluation has already been promised by James Coulter, secretary of DNR, in a letter to Baltimore County Executive Theodore G. Venetoulis.

Dredging of the Baltimore Harbor would not be delayed, however, since the proposed legislation allows for dumping at a previously built dike, such as the Marley Neck site.

Mr. Rasmussen said that H.B. 922 was originally written to stop the proposed Hart-Miller dike, but because of strong opposition to the same type of legislation on the State Senate, Rasmussen said he and other Baltimore County delegates decided strict control and protection of

the harbor was the best alternative.

"Opposing the Hart-Miller dike is a very futile effort," said Rasmussen, "Anything that would prohibit Hart and Miller's Island and anything that's going to delay the dredging of Baltimore Harbor has absolutely no chance of passing the assembly."

If passed, the bill would allow the selection of an independent consultant to study

nine possible spoils dumping sites in the harbor during the next six months. During this time, the Army Corps of Engineers will hold hearings on the Hart-Miller dike.

Both actions have come about as a result of public pressure and claims by laymen and experts alike that the original report, known as the Green-Trident report, was

(Continued to Page A-10)

Thursday, March 13, 1975

## Bill Would Restrict Dike Size

(Continued from Page A-1)  
nothing but a case built around Hart and Miller Islands.

According to Rasmussen, H. B. 922 would not stop the Hart-Miller site unless the consultant recommends and the Department of Natural

Resources agrees on another dumping plan. "But they still won't be able to go ahead (with Hart-Miller) until it's been tested and they are sure they can go ahead with the 100 million cubic yard site," Rasmussen said.

Rasmussen feels that his

legislation overcomes most of the objections to anti-dike proposals and, because of this, H.B. 922 has a good chance of passage in the House.

Rasmussen admits, however that time is running

short. The bill must be passed on to the Senate, where stronger opposition is expected.

Other delegates sponsoring H. B. 922 are Patrick Welsh, William Rush, George Heffner, Michael Weir and Peter Basilone.



On May 10

Essex Times 4-3-75

## Corps Of Engineers Hold Hearings At Patterson On Hart-Miller Permit

The Army Corps of Engineers announced that they will hold hearings on the state's plans to create a diked dredge-spoil-disposal site at Hart and Miller Island at

Patterson Park Senior High School at 10 a.m., May 10, and will continue through the day.

The Corps is holding the hearings under the provisions of the Water Pollution Control Act of 1972. They said that they will listen to both sides of the controversial project before deciding whether to issue a permit for the 1100 acre containment area.

This project, for which the permit is in question, will contain about 50 million cubic yards of spoil dredged from the Baltimore harbor shipping channels.

Eventually, the Hart-Miller Islands complex is planned to cover over 2,300 acres, and will be filled with more than 100 million cubic yards of dredged spoil.

The Patterson Park Senior High School is located at 100 North Caine Street, between North Point Boulevard and Eastern Avenue just east of City Hospitals. The auditorium will seat 1,500 people and the parking facilities will hold more than 1,000 cars.

Anyone interested in this project is asked to attend. This will be the final hearing on the permit application. *o*

## Stone Protests Likely Hart-Miller Dumping

Essex Times January 30, 1975

The Honorable  
Marvin Mandel  
Governor  
State of Maryland  
State House  
Annapolis, Maryland 21204  
Dear Governor:

Both my constituents and I are greatly dissatisfied with the current status of the Hart-Miller Island proposed dike project.

I do not feel it is necessary to review with you the history of this project except in regard to the January 16, 1975 meeting with Secretary Coulter of Natural Resources. At this meeting Secretary Coulter reaffirmed his commitment to create a diked disposal area at Hart-Miller Island for receiving dredged spoils.

Secretary Coulter's

branding of the project as the eventual creation of a recreational area for Baltimore County does nothing to alleviate the inherent problems associated with dumping contaminated dredged spoils into a richly inhabited estuary.

May I also remind you that there is not unanimity of opinion on this proposed project. The Army Corps of Engineers impact report is in direct conflict with reports from the Department of the Interior concerning the ecological effects of the project.

Further the state has not conscientiously looked for the possible alternatives to dike dumping.

Finally the state has not adequately researched the other disposal sites sup-

posedly in consideration. This is a project promulgated with little regard to research conflicts and inadequacies. The present diked disposal area does not provide a solution which will survive a test on its merits.

I cannot in good conscience, sit idly by while the interests of my constituents are ignored. Appropriate action is now necessary on my part.

Your personal review of this project would be appreciated. Through your review, problems involved in this project may be alleviated without further harsh consequences.

With kind personal regards,  
I am

Very truly yours,  
Norman R. Stone, Jr.

*o*



# Impetus on Hart-Miller

Apr 4-9-1975

When the Ford administration, acting under pressure from Senator J. Glenn Beall, Jr. (R., Md.), announced last week its backing of an \$83.8 million project to deepen the Baltimore Harbor Channel from 42 to 50 feet, pressure increased for a final decision on the proposed construction of a spoil dike on Hart-Miller Islands.

State Senator Norman Stone (D. 9th) said, "It is not good news, but we are going ahead (in trying to stop the dumping of the sludge on Hart-Miller)."

He believes that possibly the

only equitable thing to do is to find ten different locations and dump a little at each place. Perhaps if everyone shared in this, perhaps some of the opposition would end."

"The proposed site of 1100 acres is not big enough (for all the dredge materials)," observed State Senator Donald P. Hutchinson (D. 7th). "They would need 2000 acres to be able to dump everything...I really don't think there will be an obvious affect on final approval...However, the

(See DIKE, Page 5)

## ★ DIKE

(from Page 1)

Department of Natural Resources will certainly be working extra hard, since they do need a dike somewhere."

### State responsibility

"The State has the responsibility to find a place for the sludge," stated William Trieschman, Jr., Chief of Planning for the Baltimore District Army Corps of Engineers. "The Hart-Miller site is still under review...but the Secretary of the Army has to make the final decision."

Trieschman disputed claims that the proposed capacity of 52 million cubic yards for the Hart-Miller disposal area would be too small for the dredge materials from the slated channel deepening. "Although the total sludge material will be about 69 million cubic yards, this includes all of the material from the mouth of the Chesapeake Bay to the Baltimore Harbor itself.

Below the Bay Bridge, most of the spoil—which is basically non-contaminated—will be deposited in deep water adjacent to the channel. However, there are 39 million cubic yards of material to be dredged between the Bridge and the Harbor. It is this material that we need to find a dumping place for."

He added, "We are not permitted overboard disposal of contaminated material, and the dredge from the Bay Bridge to the Harbor is contaminated. We have to dump it some where."

Delegate Dennis Rasmussen (D. 7th) acknowledged, "The dredging has to be done, but I don't think it has to be dumped on Hart-Miller Island...Nobody else wants it, so they are trying to force it on us. There are alternatives. I don't see why they don't modify Marley Neck, since there is already a diked area there."

### Federal Agencies oppose

The opponents to the Hart-Miller dike include Federal agencies.

Larry Shanks, Fish and Wildlife, Biologist, Division of River Basin Studies, U.S. Fish and Wildlife Service declared, "We have recommended against it, because the state has not fully and adequately explored the

alternatives. We know there will be substantial impact on migratory water fowl and marine life at Hart-Miller Island. Shanks, who is also on the Referee Committee created by the claims, "That area is a major over-wintering concentration area for many diving ducks such as, skulp, canvass-back, old squall, etc. With the dike, this would all be lost."

He continued, "Approximately 39 species of fish use the Hart-Miller Island area for spawning purposes."

However, State Natural Resources Secretary James B. Coulter believes Federal fisheries authorities are using "outmoded and erroneous data," in failing to approve conversion of Hart-Miller Island into a park and recreation area.

Coulter said, "I don't understand why the National Marine Fisheries Service fails to see the inherent fisheries, recreation and open space advantages in the Hart-Miller Island proposal."

### Misconceptions

But with the controversy raging on, various misconceptions are circulating.

Although many proponents of the channel deepening have claimed that the dredging will give Baltimore Harbor the deepest channel in the nation, these statements are in error. Norfolk presently has a 50 ft. channel, with approval to dredged to a maximum of 55 ft.

Contrary to some notions, monies for the channel deepening will not be requested until next year. According to a spokesperson for Rep. Clarence D. Long (d. 2nd), "We have been told unequivocally that funding for the harbor dredging will not be requested until January 1976, for inclusion in the budget for fiscal year 1977.

While the state apparently believes there are no viable alternatives to the Hart-Miller site, Larry Shanks, U.S. Fish and Wildlife Service, declared, "We have suggested two alternatives... One is the Man O' War Shoals disposal area and the other is the mouth of the Patapsco. This would not be open dumping since we do concur that a diked facility is necessary."

A public hearing on the Hart-Miller Island dike will be held on Saturday, May 10, beginning at 10 a.m., at the Patterson Senior High School, 100 Kane Street.

Joe Bormel, President of the Hart-Miller Island Environmental Group has said bluntly, "We have to have a good showing here. We want to have people speaking all day."



# Hart-Miller Key To Channel Project

*New 4-2-1975*

By JOE WACHTMAN  
Staff Reporter

## NEWS ANALYSIS

The state's proposed \$15.68 million Hart-Miller Island diked disposal area looms as the last major obstacle to a massive \$116.56 million channel improvement project that will boost direct port revenues by at least \$100 million per year.

Approval by the Office of Management and Budget (OMB) of a 50-foot main shipping channel for the port, announced Tuesday by Sen. J. Glenn Beall Jr., R-Md., has promoted from urgent to critical the need for prompt approval and the start of construction of the dredged spoil containment facility.

While the bulk of the channel-deepening project cost — some \$83.78 million — will be federally funded, the entire project is contingent on the provision of a disposal area by the state.

Maryland's portion of the Baltimore-to-the-Atlantic-Ocean channel project will involve some 41.256 million cubic yards of dredged silt, all of which would be dumped into the proposed 52 million cubic yard capacity Hart-Miller containment.

Completion of the diked disposal area is estimated at three years — barring further delays.

The start of actual dredging of the 50-foot channel is expected about the same time.

Sen. Beall said he will seek \$250,000 from Congress for the start of design studies for the channel in fiscal 1976, which begins July 1, and ask for another \$100,000 for July-October of 1976 when the federal government changes its fiscal year dates. An appropriation of \$500,000 will be asked for fiscal 1977 to complete the studies.

Then, appropriations for the dredging itself will be sought from Congress in seven phases.

Col. Robert B. McGarry, Baltimore Dis-

trict Engineer, said the inbound lane of the channel will be dredged first because the most urgent needs are for imported iron ore, chrome ore and petroleum products. This will require three years if Congress is responsive.

Another three years will complete the outbound lane and an additional year is planned for "cleaning up" remaining spots.

This means the state must overcome any further delays to the containment area quickly, it also must soon select a site for an additional one.

Originally, the Hart-Miller site was projected for a 100-million cubic yard containment area, sufficient for the port's needs through the 20th century. However, the OMB in 1972 took a negative attitude to Baltimore's bid to become the first U. S. port with a dredged 50-foot channel, erroneously believing offshore ocean terminals to be the answer.

The Hart-Miller design was scaled down to the present 52 million cubic yard size. However, an addition encompassing Pleasure Island — formerly part of Hart Island — to contain another 48 million cubic yards is one of the number of options available to the state.

A separate Department of the Army permit will be required for the second containment area no matter where it is sited.

Federal dredging for the channel in Maryland waters will yield 39.2 million cubic yards of spoil and cost \$38.83 million.

Another \$44.71 million will dredge 32.48 million cubic yards in three channel areas in Virginia — where the spoil also will be disposed.



# County Plans Back River Work

Times  
3-13-75

Calling the job "formidable," County Executive Theodore G. Venetoulis announced Monday the creation of a clean-up and beautification task force for the Back River watershed area.

Mr. Venetoulis appointed Mae Matarozza, Bud Matthews and Carvel Lauenstein to oversee the improvement effort, and he promised that "we are going to make headway only with cooperation. I guarantee cooperation of the county agencies."

The County executive did not rule out the possibility of dredging the riverbed, and part of his plan is to explore this possibility with the Congressional delegation and the Army Corps of Engineers.

The following is a statement read by Mr. Venetoulis at Monday's press conference at Rocky Point:

"For decades Back River has been abused and degraded by the varied activities of man. While no sudden or miraculous improvement can be promised overnight, the time has come to begin a comprehensive program of water quality

improvement for the Back River area.

"Because the task is so formidable, everyone has avoided taking even the first step. My Administration did not cause the deterioration of Back River, and its evolution into a healthy water resource may not occur in our four years, but at least we have the initiative and foresight to begin a program for restitution. Our program will include the following:

1) Our Administration will see that the County rigidly enforces its erosion and sediment control program and will insist that State projects, such as highway construction, be carefully controlled relative to erosion and sediment problems by the State of Maryland.

2) Baltimore County has recently initiated a Storm Water Management Program. This is designed to reduce storm water quantities. We will see that this program is fully implemented and rigidly enforced throughout all of Baltimore County including the Back River watershed.

3) We will request that the Baltimore County Department of Public Works and the State Department of Natural Resources prevent further

encroachment and intrusions of the floodplains of Baltimore County including the watershed of Back River.

4) We will request that the State of Maryland rigidly adhere to protecting the remaining wetland areas of the Back River area.

5) Back River and its tributaries have been polluted to a degree by malfunctioning septic systems. We will instruct the Department of Health to do whatever is feasible to correct this problem and prevent further difficulties.

6) Programs are presently being planned which, taken together, will improve the water quality of Back River. These programs include: 1) a waste load allocation system, b) regular monitoring of the water quality of Back River, c) establishing for industrial firms a sewer-user charge which in effect will encourage the reduction of sewage volume, d) control and prevention of raw sewage overflows from the collecting system for the Back River Sewage Treatment Plant, e) improving the Back River Sewage Treatment Plant so that the effluent being released into Back River is of higher quality, f) encouraging

industrial waste recycling. We will do all that we can to see to the full implementation of these programs.

7) We will propose that the County initiate a clean-up and beautification program in the Back River watershed area.

8) Excessive nitrate and phosphate levels are one of the major contributing problems with respect to pollution in Back River. We think it highly desirable to reduce nitrate and phosphate levels at their source rather than try to treat them at the Back River Sewage Treatment Plant. Therefore, we are considering introducing legislation in 1976 which, at the State level, will reduce the nitrates and phosphates in detergents used both domestically as well as commercially.

9) We are instructing officials in the County to research and actively seek State and Federal funds and other assistance which will assist us in this long-term effort.

10) Finally, we will explore with the Congressional Delegation and the Army Corp of Engineers the feasibility of a dredging program for the Back River area.





DEPARTMENT OF THE ARMY  
BALTIMORE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 1715  
BALTIMORE, MARYLAND 21203

NABOP-F/2(Md. General Services)2

18 February 1975

REVISED PUBLIC NOTICE - 1140

Pursuant to Section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403) and Section 404 of the Federal Water Pollution Control Act (PL 92-500, 86 Stat. 33 U.S.C. 1340) a revised notice is hereby given that the State of Maryland Department of General Services, 301 West Preston Street, Baltimore, Maryland 21201 has applied for a Department of the Army permit to construct a diked disposal facility in Chesapeake Bay at Hart and Miller Islands, Baltimore County, Maryland.

The applicant's plans and location of the proposed work are shown on the attached sheets and were previously shown on a Public Notice dated 28 July 1972. The plans indicate that the proposed dike will be constructed to enclose the two islands, an area of approximately 1100 acres. The plans also indicate that the proposed dike will be constructed of sand and large and small stone riprap. The proposed dike will be 18' high at (MLW) and will be used as a containment area for dredged material from Baltimore Harbor.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonable foreseeable detriments. All factors which may be relevant to the proposal will be considered: among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality and, in general, the needs and welfare of the people. An Environmental Impact Statement on the proposed work has been prepared. No permit will be granted unless its issuance is found to be in the public interest.

The applicant has obtained a water quality certificate in accordance with Section 401 of the Federal Water Pollution Control Act Amendments of 1972. Any comments concerning the work described above which relate to water quality considerations or other factors should be submitted, in writing, to the District Engineer at the above address prior to 19 March 1975.


The applicant must obtain any State or local government permits which may be required.



The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Federal Water Pollution Control Act Amendments of 1972. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request must be submitted in writing to the District Engineer within thirty days of the date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and who, not being known to this office, do not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:

  
ROBERT S. MCGARRY  
Colonel, Corps of Engineers  
District Engineer



## ENVIRONMENTAL ASSESSMENT OF THE PROPOSED PROJECT

### I. PROJECT DESCRIPTION

The State of Maryland intends to construct a diked enclosure to hold the bottom sediments removed from Baltimore Harbor and its channel approaches. This containment facility would be located at the bayward side of Hart and Miller Islands, near the mouth of the Back River. As designed, the area will provide for the containment of 52 million cubic yards of dredge spoil.

The configuration of the diked area is that of an irregular, oblong enclosure about 1100 acres in area. Alignment of the dike would roughly follow the bayside beach of Hart Island through the middle of Miller Island and extend out into the Bay a distance of approximately one mile.

The dike itself will be of sand pumped from natural deposits within the enclosure area. The dike will rise to 18 feet above mean low water. Its outer face will be protected by large stones ("riprap") from wave and current action, and sand will be retained within the stone by an intervening layer of smaller stone. The dike walls will be 20 feet wide at the top. They will be constructed on a slope of 3 to 1 (1 foot vertical rise for every 3 feet of horizontal travel) where the slope is protected by a stone riprap as on the bayside or the river side in the space between the islands. Where the dike faces dry land it will be at a 5 to 1 slope, and where it faces wetland it will be at a 10 to 1 slope.

If a proposed beach is constructed between Hart and Miller Islands, it is anticipated that the dike might be extended at a very gentle slope, 15 to 1 or greater, to form the beach and be protected from erosion by groins.

No dredging for dike construction will take place in the waters of Back River, nor will any dredging take place closer than three-quarters of a mile from any point on the mainland. The dredging will be entirely sand and will be done in waters physically separated from the mainland by Hart, Miller and Pleasure Islands.

Water depth at the outer edge of the disposal area is typically 15 feet, with little variation over a long distance, and shoaling to zero where the dike intersects the islands. The waters off the dike location are of adequate depth for the approach of ordinary mud scows used in bucket and scow dredging. If hopper dredges, which are used by the Corps of Engineers, are to approach the disposal area, a new channel must be dredged to accomodate them.

The disposal area will be filled by pumping spoil into the enclosure via hydraulic pipelines, either directly from the dredge point or from ships or barges used to transport it. As the spoil settles, the water level within the diked enclosure will rise creating a hydraulic gradient which will cause a flow of water through the permeable dike. During the period of containment of the water, sedimentation will occur so that it will be clear when it filters back into the Bay.



To prevent overtopping and washout of the dike, sluice gates have been provided. During the initial period of operation, liquid displaced by spoil deposited in the contained area will escape through and be filtered by the porous sand dike walls and the sluice gates will be non-functional. Under presently anticipated rates of dredging, assuming the maximum condition that could occur (that is that maintenance dredging and deepening of the channel will proceed simultaneously) excess water, after its sediment load has settled out, could start flowing through the sluice gates no earlier than two and one-half years after the containment area is put into operation.

Eighteen months prior to the predicted time of first discharge through any sluice gate, the Department of Natural Resources will notify the Department of General Services of the extent and type of treatment that must be provided for water passing through the gates to maintain the natural quality of Chesapeake Bay waters surrounding the containment area.

In the event that the treatment works are not provided prior to the time that the liquid will start moving through the sluice gates, the use of the containment area will stop and no further spoil will be deposited in it until adequate treatment as stipulated by the Department of Natural Resources is provided.

The Department of Natural Resources will supervise the operation of treatment works and conduct a program of continuous monitoring to prevent pollution.

## II. ENVIRONMENTAL SETTING WITHOUT PROJECT

Hart and Miller Islands are located in the Chesapeake Bay adjacent to the Back River Neck and Patapsco River Neck in Baltimore County, Maryland. In 1967, Hart Island was approximately 94 acres in size and had over 16,000 feet of shorelines, while Miller Island was 33 acres in size and had a shoreline exceeding 7800 feet.

The two islands are privately owned and contain no permanent structures. They are in a Rural-Deferred Planning Zone (1 acre minimum lot size) while county and regional plans specify park and conservation use. At present, the islands are used by an undetermined number of the boating public who camp and use the island for recreation without permission. Such use could be terminated any time the private owner wishes.

Natural features of the islands are wetland, woodland and beach. Hart Island has an extensive wetland on its southwestern extremity, a band of wetland northeast of its center, and a small wetland on its northeastern point. These wetlands contain marsh grasses, shrubs and cattails. High ground (maximum elevation 4.5 feet) at the center of the island and a smaller area on the northeastern end of the island (maximum elevation 5.5 feet) support an extensive growth of deciduous trees, mainly willow oak and black gum. Miller Island is a wetland (maximum elevation 2.3 feet)



containing no trees. Both islands have beaches about 20 feet wide over much of their shore, and much sand or hard clay bottom extending considerable distances from the island.

Both islands have a serious erosion problem which has decreased the combined area of Hart and Pleasure Islands from 150 acres in 1933 to 120 acres in the 1967-1969 period, and has decreased the area of Miller Island from 50 acres in 1933 to 33 acres in 1967. Low-lying portions of the island are in danger of being washed away by a severe storm.

### III. ENVIRONMENTAL IMPACT OF THE PROPOSED ACTION

The structure under consideration will be located two-thirds of a mile from the nearest residences on Cuckold Point and will be one mile from Rocky Point Park. The protected (stone-faced) periphery will be at a relatively gentle 3 to 1 slope. The unprotected faces of sand and grass on or adjacent to the existing Hart and Miller Islands will be on a gradual 5 to 1 or in some places a 10 to 1 slope. A field reconnaissance by landscape architects, trained in visual analysis, has indicated the structure viewed from a distance will resemble a long, dune-like barrier beach.

The proposed structure will be on the far or bay side of Hart and Miller Islands. From the edge of the newly created spoil area, there will be an overlook of the Bay from an elevation of 18 feet. Looking from the dike to the mainland, one will view the trees on Hart Island and Rocky Point on the mainland. From the Back River side of Hart Island looking toward the structure, one would see trees on the island and where there is a break such as on the wetland area, a gradual slope of sand planted with grass. From the Bay, the structure will appear as a large sand area with a rocky shore.

During the construction and filling period, barges and dredges will be seen at work, a normal sight in the upper Bay area.

Estimates of the biological effects of locating the disposal area off Hart and Miller Islands can be made from recent biological observations by Natural Resources Institute of the University of Maryland at two stations, one 1 mile north of Miller Island and the other 2 miles east of the island at both of which points water depths were 12 feet. Sampling was done in August, September and December 1966; February, April, June, August and October 1967 and January, April and December 1968. These observations revealed no macroscopic plants, and a bottom fauna consisting of small non-commercial molluscs, worms and crustacea. These species are useful as food for larger animals. Toward the islands, in the area to be occupied by the disposal area, the habitat becomes generally more favorable for bottom life (water shallower and bottom sandier). Larger populations and some differences in species would be expected in this area up to the zone of bottom instability caused by wave action.



No softshell clam beds are found in or near the diked area, and the nearest oyster bed is 1.5 miles away from the dike location. It has been determined that a distance of one mile from an overboard spoil disposal site is necessary to protect oyster beds from sediment damage; thus this distance would be adequate to protect oyster beds from the effects of an accident involving loss of spoil.

Although adult fish are abundant, the Hart and Miller Island area is not within the generally recognized boundaries of the upper Bay complex of fish spawning and nursery areas. Sport fish caught in the area are en-route to other sections of the Bay. The disposal site would therefore not occupy important spawning or nursery phases of the life cycle of fishes.

The disposal area's location will not affect the Bay flow or the existing poor flushing of Back River. The general down-bay movement of fresh water on the western side of the Bay depends upon Susquehanna River flows and geophysical forces. Circulation of Back and Middle Rivers depends mainly upon density currents induced by salinity changes in the Bay, and relatively little upon tidal exchange.

The use of a contained disposal area near Hart and Miller Islands will terminate the practice of overboard, unconfined disposal in the Chesapeake Bay. This desirable action is one of the major beneficial environmental impacts of the proposal. However, to be acceptable, the contained disposal area must not in itself constitute a source of pollution.

Evidence indicates that the water which will escape from the enclosure will not contain quantities of contaminants sufficient to cause pollution or in any way change the ecology of the upper Chesapeake Bay. The brief summary that follows does not substitute for the depth of consideration given, but does accurately reflect the inferences and conclusions drawn from the basic studies referred to earlier.

The abundance of heavy metals in both recent (and thus potentially contaminated) and undisturbed ancient sediments, more than 10,000 years old, found in Baltimore Harbor and its adjacent approach channels has been extensively explored and well documented. In particular, abundances of zinc, chromium, copper, lead, mercury and cadmium have been sampled and analyzed.

The heavy metals in harbor sediments are now predominantly bound to sediment particles, in the form of unbound insoluble compounds or in metal-organic complexes. Because the chemical environment in the water within the enclosure will be similar to that in which the sediments now exist in the Bay and Harbor, the metals will tend to remain in their present forms.

Data on heavy metals in sediments from the Trident-Green report were examined for the possibility of release of metals in a soluble form. These data indicated virtually no metals in the interstitial waters of



sediments. The data also indicated that treating sediments with an acetic acid - sodium acetate solution, a procedure which would tend to extract more metal than any chemical process which takes place in estuarine waters, released virtually no metal except for zinc. This is an extreme procedure, however, which serves to illustrate the improbability of heavy metal release. It also indicates the inadvisability of the addition of acidic material to the enclosure because of the possibility of significant zinc release.

The possibility of release of heavy metals by agitation of spoil in water during hydraulic transfer was investigated. Contaminated inner harbor spoil was violently agitated in tap water. The resulting mixture was filtered and the filtrate analyzed. Concentrations of mercury, cadmium, lead, copper and chromium were below the level of detection. A concentration of 0.27 ppm zinc was detected.

Subsequent experiments conducted by the Department of Water Resources on Dundalk spoil in Bay water indicated concentrations of lead, chromium, copper and zinc below the level of detection in filtrate after 90 minutes settling. Even though it approaches the toxic limit, the release of 0.27 ppm zinc from the spoil would result in a contribution of about 12 lb. per day of zinc to the surrounding waters, assuming no subsequent adsorption within the dike or in passage through the sand. Twelve pounds per day of zinc is equivalent to 1.6 percent of the low-flow zinc discharge from the Susquehanna River and 0.12 percent of the high-flow Susquehanna discharge. The zinc content of the upper Bay would thus not be altered significantly.

Organic and ammonia nitrogen were also tested. The release of nitrogen would result in a contribution to the surrounding waters, assuming no deposition within the dike or loss in passing through the dike, of less than 10 percent of the low-flow nitrogen discharge of the Susquehanna River and less than 2 percent of the high-flow Susquehanna discharge. This is not believed to be a significant addition to the upper Bay area.

A concentration of 7 ppm of oil and grease was detected in the filtrate. This is not believed to be a significant quantity in the discharge. Background data for comparison are not available. Assuming that all the oil and grease passed through the dike, which is highly improbable, about 300 pounds per day or 5 gallons per day of oil and grease would be released to the surrounding waters.

Three recent samples of Dundalk sediments indicated an absence of chlorinated hydrocarbon pesticides. If pesticides were present in unsampled sediments, they would tend to be bound in oil or organic complexes, or bound to sediment particles. If released upon decay of oil or organic complexes, they would tend to be removed from the water very quickly by the sediment particles in the containment basin.

Baltimore Harbor spoil can be expected to contain substances that exert a biochemical oxygen demand. The long retention time, measured in months or years, followed by extremely slow filtration through the dike walls



will satisfy the oxygen demand before it can reach the Bay. Likewise, the long retention period coupled with sedimentation and filtration will effectively remove and destroy any pathogenic bacteria that might be present in Harbor mud. All particulate matter will be retained in the containment area.

Unloading by "rehandling" in which spoil is dumped into an underwater hole, and then periodically dredged into the dike enclosure, entails many of the risks of open-water overboard disposal and for this reason is unacceptable as a normal method of operation. Rehandling is not to be used at the Hart and Miller Islands disposal site.

#### IV. ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

The adverse effects encountered during construction of the dike cannot be avoided. The dike is to be constructed of sand dredged from deposits lying off the bayward side of Hart and Miller Islands, but within the area to be diked. This dredging will be done by hydraulic pipeline. Sand will be sucked up from a cutting head and pumped to the point of deposit. Construction is expected to require two years.

Because only sand is desired for the dike, dredging will be restricted to sandy bottom. The sand to be dredged contains roughly 10 percent silt and clay, some of which would go into suspension and, being fine material, would be dispersed, causing localized turbidity.

Another unavoidable effect will be restrictions on the use of pleasure craft in the immediate vicinity of the transfer and unloading operation because it is hazardous to operate small boats near vessels of the size involved in spoil transfer.

Storms constitute an unavoidable hazard, but the proposed Hart and Miller Island dike has been designed to withstand the most severe storm of record. Breaching will be extremely unlikely.

The possibility of contaminated spoils being released to the Bay as a result of a barge accident constitutes a small but unavoidable risk. Even that small chance is less than the risk that would be incurred during transportation to a more remote site.

At the Hart and Miller Islands disposal site, spoil will be unloaded from hopper dredges or scows via a hydraulic pipeline, and pumped into the diked enclosure. Hydraulic suction heads would be used to remove spoil from scows, and water from within the diked enclosure could be recycled to make up the hydraulic slurry. In the transfer process, spoil could escape into nearby waters through the sinking of a ship or scow, rupture of a hydraulic pipeline or by leakage or sloppiness in handling. These quantities, if they occur, are insignificant compared to the quantities involved in overboard disposal as practiced in the past.



Probably the most serious accident in terms of ecological effects would be the rupture of a pipeline, especially in a remote location. The quantities of spoil lost would continue until pumpage stopped.. Close surveillance of discharge points and pipeline routes will be maintained during pumping operation.

Comparisons may be made as to the consequences of the loss of spoil from vessels. The capacities of the two Corps of Engineers hopper dredges which work in Baltimore Harbor are 5,600 cubic yards ("Goethals") and 8,300 cubic yards ("Essayons"). The capacity of a typical mud scow is 1,500 to 2,000 cubic yards. The entire load of the "Essayons" is equivalent to between 0.4 and 1 percent of the annual sediment load of the Susquehanna River. The loss of a single load, in terms of widespread effects, would be insignificant. Locally, 8,300 cubic yards of spoil could spread over an area of about 16 acres to a depth of between zero and one foot. This would cause the temporary (2-3 year) loss of bottom productivity over the area covered, unless it landed on oyster bottoms, in which case the oyster bed might be permanently lost. Except for the oyster bottom reservation, the temporary loss of productivity of 16 acres would be insignificant compared to the 80,900 acres of similarly productive bottom in the upper Bay. The total loss of a load of spoil by sinking or other accident is extremely unlikely. Deliberate premature dumping as a chronic practice will be guarded against by adequate supervision.

#### V. ALTERNATIVES TO THE CONTAINMENT AREA

Classes of sites available for redeposition of dredge spoil from Baltimore Harbor were examined as follows:

- (1) overboard disposal in the open waters of the Chesapeake Bay is no longer permissible on anything other than an interim basis because of environmental damage to the Bay;
- (2) ocean dumping would not be permitted by State or Federal pollution control agencies;
- (3) contained disposal on land in the harbor area is permissible but sufficient land is not available for the volume of dredge spoil anticipated;
- (4) above ground on-land disposal in the Baltimore region is hazardous and the environmental impact would be too great to tolerate. Capacity of rock quarries, etc. in the Baltimore area is too small and transportation entails major environmental hazards;
- (5) use of the spoil to reclaim strip mines in Western Maryland has some superficial appeal, but salt water pollution, worsening of acid mine drainage and environmental impact of transporting the spoil rule against the proposal.

For Baltimore Harbor spoil a confined disposal area created by diking provides an environmentally acceptable solution. This type of disposal



area meets the policy requirements of the Department of Natural Resources and the Submerged Land Commission of the Board of Public Works. The General Assembly also approves since it has authorized the expenditure of \$13 million to construct a contained disposal area.

A detailed evaluation of alternative sites leading to the recommendation of the Hart-Miller Islands complex is described in the Trident-Green report. A copy of this report is available for examination in the offices of the Department of General Services, State Office Building, 301 West Presston Street, Baltimore, Maryland.

The Department of Natural Resources has reviewed the consultant work and made independent investigations. The Department has found no other site any better suited from environmental considerations. Furthermore, the Hart-Miller site offers an outstanding opportunity to make good use of natural resources and create a new public bayside recreational area.

The Hart and Miller Island site possesses several advantages over the other sites when recreational uses are considered. Surplus sand from within the diked area may be used to make a considerably wider beach than now exists. Some deposits of sand are available within the Black Marsh site, but the physical configuration of the site itself is not favorable to beach construction. At the remaining three sites, sand for beaches must be obtained from Hart and Miller Islands, Bodkin Point or perhaps from portions of the channel deepening. It is doubtful that beaches could be constructed at these three locations as they are located in 15 to 30 feet of water. Although a beach now exists at Hart and Miller Islands, it is in private ownership, is subject to severe erosion, and will be lost if not protected. The beach opportunity combined with excellent water quality and an absence of sea nettles (factors not in themselves unique to this site) provides an outstanding opportunity for water-contact recreation.

The woodland on Hart Island, which will be preserved, is an amenity not available at any other site. The trees provide recreational activities and could be enjoyed even during the construction and fill operation. From the landscape design viewpoint, the trees are a precious resource because trees will not exist on the 1100 acre expanse in the first years following its filling to capacity.

The Hart and Miller Island site bears a complementary relationship to the existing Rocky Point Park in that the park would provide a public access point for small boats or ferry service. A marina is under study, and boat launch ramps will be provided at Rocky Point.

If a bridge were built to the mainland, the Hart and Miller Islands site would be more accessible than any other except Black Marsh. Bridges to mid-bay locations are out of the question because of the expense involved.

The creation of a Hart and Miller Island recreation complex offers an opportunity to create one of the finest public parks on the Chesapeake Bay.



VI. RELATIONSHIP BETWEEN SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

The 1100 acres which would be covered by the disposal site comprise approximately 1.4 percent of the bottom area of the upper bay of comparable type and intensity of bottom production. Because the bottom productivity of the upper bay is many times more than adequate to meet the food requirements of animals which forage upon it, the loss of valuable commercial or sport species would be negligible.

A population of brackish-water clams, Rangia cuneata is found in the Hart and Miller Islands area. While this type of clam is edible and has been harvested commercially, it has no significant commercial value. The use of the 1100-acre site would have no significant effect on the potential future commercial development of a market for this clam. The commercial fishing and crabbing lost within the 1100-acre site does not constitute a significant fraction of the Maryland fishery.

The containment area bulkhead will be protected by an outer layer of riprap stones. Such stone piles serve as attractions to fish and crabs by providing food in the form of attached plant growth and small-animal populations, and by providing cover and protection for the fish and crabs themselves. Losses caused by locating the disposal area will be offset by this habitat. As indicated by successful fishing around the stone pile at the Chesapeake Bay Bridge, such a structure can be expected to improve local fishing. Crabs may also concentrate on rocky shores. At present, an artificial reef off Hart and Miller Islands contributes to the successful fishing. In summary, the diked area surrounded by riprap bulkhead will close about 1100 acres to fishing and provide about 19,000 feet of new fish reef.

Excellent white perch and striped bass fishing exists from Black Marsh to the uppermost tip of Miller Island. The Chesapeake Bay Creel Census of 1962 showed that this area was heavily fished by sport fishermen, and it remains popular and important. Sport crabbing also attracts considerable interest; the creel census showed that blue crabs ranked third, behind striped bass and white perch, in terms of fishing pressure and harvest.

The size of the islands has been reduced drastically over the years as a result of erosion forces. The first stage of the spoil disposal structure would increase the total shoreline of the islands from 4.2 to 7 miles. The structure will serve as an erosion control barrier on the Bay side, but erosion will continue on the Back River side. Decisions must be made to replenish the sand periodically or to protect the islands and dikes with riprap, jetties or groins.

A tract of land 1,100 acres in area will be created by the proposed containment area designed for 53 million cubic yards capacity, and another 1,000 acres (approximately) could be created by extension of the site to 100 million cubic yards. The ultimate use of this land is of considerable interest as a resource in itself, and as its use and location affect Hart, Miller and Pleasure Islands and the adjacent mainland. With proper care, the Hart and Miller Island spoil disposal project can be a benefit to the



Baltimore region and the immediate environs as well as an effective solution to the port's spoil disposal problem. The project can go far toward alleviating the recognized lack of recreational land in the region.

VII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES WHICH WOULD BE INVOLVED IN THE HART-MILLER ISLAND CONTAINMENT AREA

Eleven hundred acres of water will be removed from present uses. The loss will be offset by the creation of a favorable biological habitat and an equal acreage of strategically located land with high value for recreation.





DEPARTMENT OF THE ARMY  
BALTIMORE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 1715  
BALTIMORE, MARYLAND 21203

REPLY TO ATTENTION OF:

NABOP-F/2(Md. General Services)2

10 April 1975

NOTICE OF PUBLIC HEARING - 1244

Pursuant to Section 404 of the Federal Water Pollution Control Act (PL 92-500, 86 Stat, 33 U.S.C. 1340) notice is hereby given that a public hearing will be held by the U.S. Army Corps of Engineers, Baltimore District, to consider an application by:

APPLICANT: State of Maryland  
Department of General Services  
301 West Preston Street  
Baltimore, Maryland 21201

WATERWAY: Chesapeake Bay at Hart and Miller  
Islands, Baltimore County, Maryland

WORK: To construct a diked disposal facility as described  
in the attached environmental assessment.

TIME: 10:00 a.m.

DATE: Saturday, 10 May 1975

PLACE: Patterson High School  
100 Kane Street  
Baltimore, Maryland 21224

All interested parties, including representatives of Federal agencies, State and local governments, and private individuals and organizations, are invited to be present or to be represented, and will be given an opportunity to express their views regarding the proposed work as described in the application. Oral statements will be heard, but for accuracy and completeness of the record, all data in support of, or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Written statements may be either mailed to the District Engineer prior to the meeting, or handed in at the meeting.

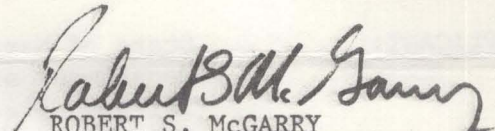
The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for the protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All





factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality and, in general, the needs and welfare of the people. No permit will be granted unless its issuance is found to be in the public interest.

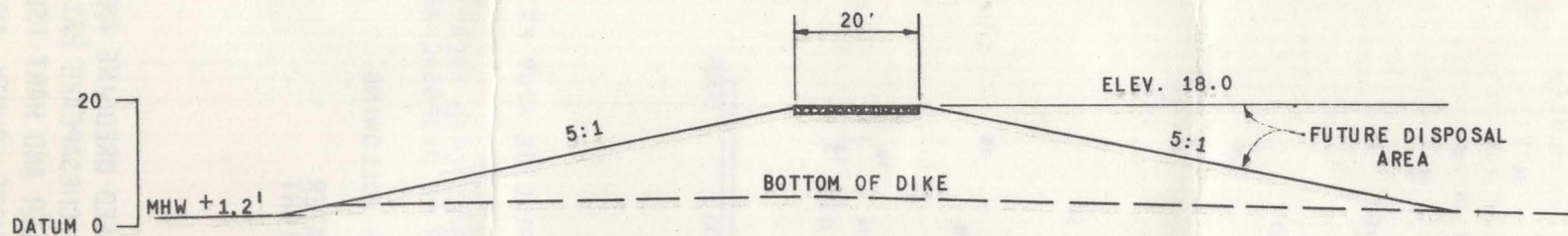
A summary of the environmental considerations for the proposed work is attached. It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and who, not being known to this office, do not receive a copy of this notice

  
ROBERT S. McGARRY  
Colonel, Corps of Engineers  
District Engineer

Attachments:

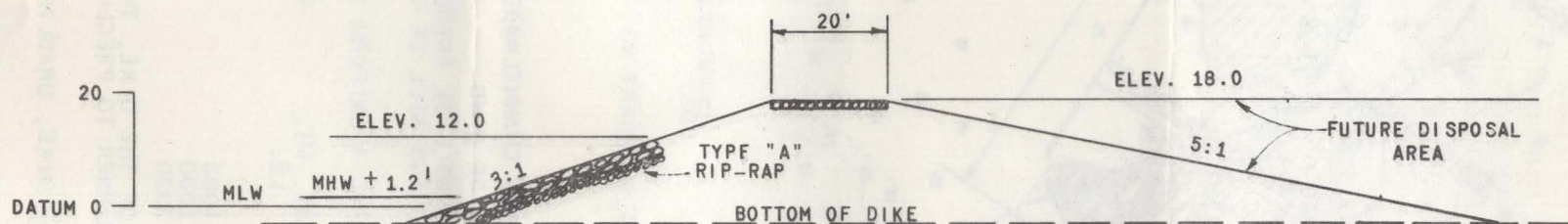
1. Plans
2. Summary of Environmental Considerations





STA. 0+ TO 20+  
STA. 50+ TO 75+  
STA. 258+ TO 292+

0 10 20  
SCALE IN FEET



STA. 20+ TO 50+  
STA. 75+ TO 95+  
STA. 250+ TO 258+

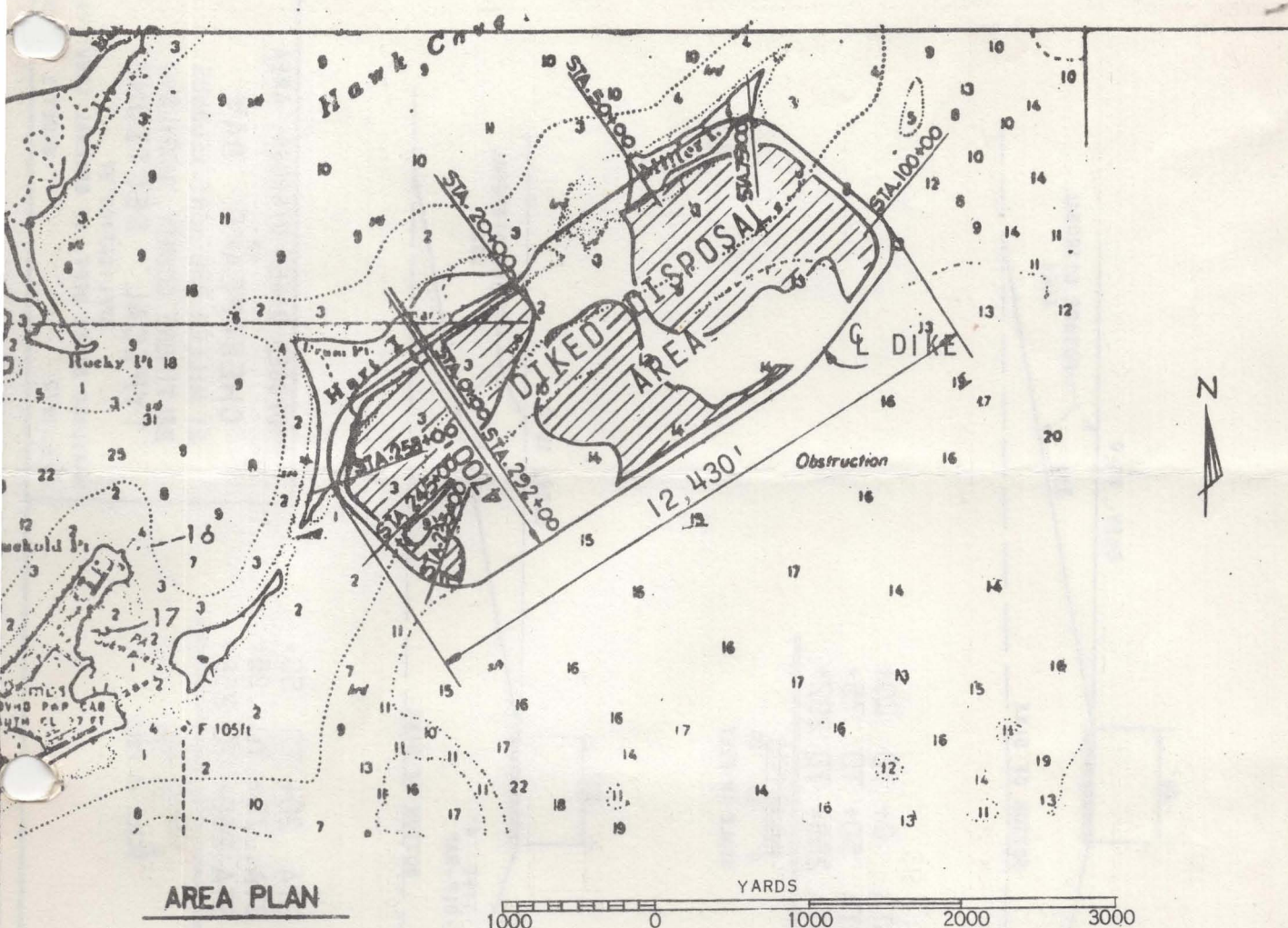
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PROPOSED DIKED DISPOSAL AREA  
IN  
CHESAPEAKE BAY  
AT MILLER AND HART ISLANDS  
BALTIMORE COUNTY, MARYLAND  
TYPICAL SECTIONS

APPLICATION BY  
MARYLAND STATE DEPT. OF GENERAL SERVICES  
FEB., 1972

SHEET 2 13





AREA PLAN FROM U.S.C. & G.S. CHART NO. 549-SC

#### NOTES:

1. THE GREATEST PROJECTION CHANNELWARD FROM M.H.W. SHORE LINE WILL BE 4700 FT.
2. DREDGED MATERIAL WILL BE SAND
3. 4,300,000 CUBIC YARDS WILL BE DREDGED FROM PORTIONS OF CROSS-HATCHED AREA BY HYDRAULIC DREDGING AND WILL BE DEPOSITED AROUND PERIMETER OF DISPOSAL AREA TO FORM THE DIKE
4. RIP-RAP STONE WILL HAVE A UNIFORM GRADATION ACCORDING TO THE FOLLOWING SPECIFICATIONS.

TYPE	MAX. WT. LB.	MIN. WT. LB.	50% GREATER THAN WEIGHT LB.
A	1000	50	300
B	2000	100	500
C	3000	350	1500

5. DURING CONSTRUCTION OF THE DIKE, THE RIP-RAP WILL BE PLACED IN A TIMELY MANNER TO PRECLUDE EROSION OF THE DIKE MATERIAL.

6. IN ORDER TO SHAPE THE DIKE, DRAGLINE METHOD MAY BE USED

7. HART AND MILLER ISLANDS ARE THE PROPERTY OF C. J. LANGENFELDER & SON, INC. - BALTIMORE, MD.

PROPOSED DREDGING AND DIKE  
IN CHESAPEAKE BAY AT  
MILLER AND HART ISLAND

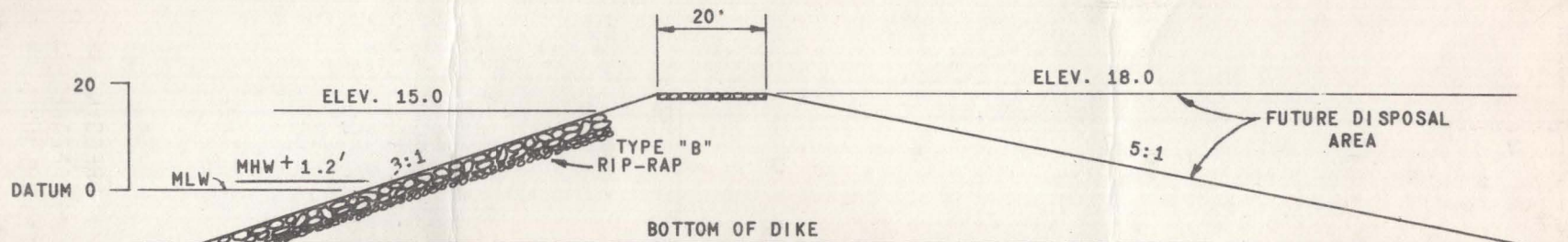
BALTIMORE COUNTY, MARYLAND  
APPLICATION BY

MARYLAND STATE DEPT. OF GENERAL SERVICES

FEB. 25, 1972

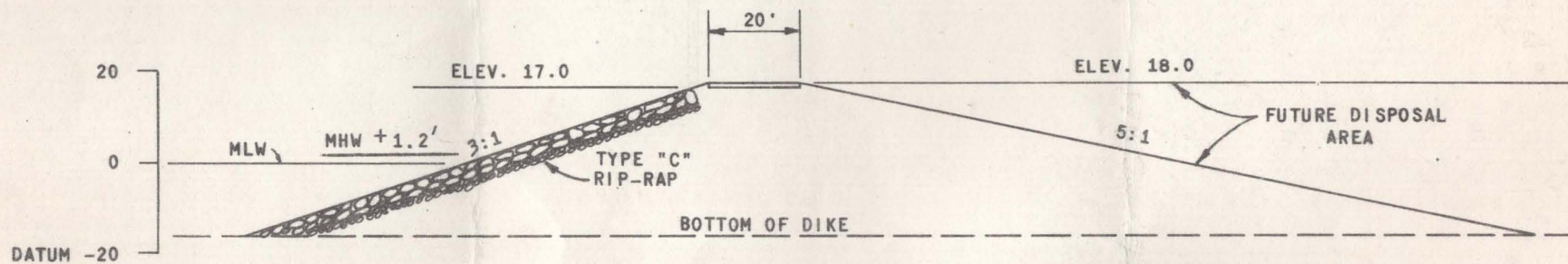
1 OF 13





STA. 95 TO 105  
STA. 240+ TO 250+

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STA. 105+ TO 240+

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SCALE IN FEET

PROPOSED DIKED DISPOSAL AREA  
IN  
CHESAPEAKE BAY  
AT MILLER AND HART ISLANDS  
BALTIMORE COUNTY, MARYLAND  
TYPICAL SECTIONS

APPLICATION BY  
MARYLAND STATE DEPT. OF GENERAL SERVICES  
FEB. 1972  
SHEET 3 OF 13



# LETTERS TO THE EDITOR

MAR 2 1972

MAR 2 1972

ESSEX TIMES

## Intercepted: Letter To Mandel On Hart, Miller Island Dike

February 14, 1972

Governor Marvin Mandel  
State Office Building  
Annapolis, Maryland 21401  
Dear Governor Mandel:

On November 5, 1971, after hearing the State had selected Hart and Miller's Islands, over 70 other locations, to deposit materials from necessary dredgings from the Baltimore Harbor and its approach channels, the people of the Southeastern part of Baltimore County, with little or no information, realized their sole source of water recreation was threatened. In light of this, we the citizens organized, naming our organization The Hart & Miller's Island Are Environmental Group, Inc., to protect our recreational interests.

Since that time, in order to present information to the people of our communities, we have had several meetings in the Essex, Middle River and Dundalk areas. At these meetings, by our invitation, Mr. Paul Farragut and Mr. William Sloan have presented the State's position. Please note here, that the only method of relaying information to the mass of the people of our communities was accomplished by citizen activity.

We feel now that the people of our communities are reasonably well acquainted with the State's intentions and there leaves little doubt in anyone's mind that the mass of the people, both elected and "just plain guys", are overwhelmingly opposed to the State's selection of the Hart and Miller's Island site.

Our efforts to protect our interests have gained support far beyond our expectations. Our membership has grown to the 500 mark: Our position of discouraging the State government's proposal for diking Hart and Miller's Islands has gained the support of widely recognized organizations--Maryland Wildlife Federation, the Sierra Club, the Essex Junior Chamber of Commerce, Back River Safety Assoc., Essex Improvement Assoc., Maryland Rockfish Protective Assoc.,

Boat Owners' Association of the United States, Maryland Wetland's Committee, Heritage Society of Essex, Maryland Boating Assoc., Citizens Planning and Housing Assoc.--and many more, far too many to list in this letter.

Governor Mandel, we honestly believe that the State government's proposal has honorable intentions, but in view of the mass opposition to such a proposal, it's clear to many, that the recreational value of the Hart and Miller's Island area (although touched upon very briefly in the Trident-Green Report) was not taken into account. I'm reasonably sure, while the evaluations were being made, the evaluators did not see the hundreds of boats anchored around and near Hart and Miller's Islands.

The Hart and Miller's Island Area, along with the newly created 18 hole Golf Course, the new Rocky Point Park and Turkey Point Park (all County owned), and numerous privately owned beaches open to the public, border the last remaining unpolluted part of Baltimore County shoreline. The reason this is being mentioned, Governor Mandel, is to acquaint you with the fact that this community, and we include Hart and Miller's Islands, is recreationally orientated. I am sure you can understand our fear of the dredged spoil that may be placed on our islands.

Although we have talked about recreation here, there are many valid points that certainly must be considered--the amount of marine life that will die, the wildlife that will be driven from the islands, what will the effect be on the nearly stagnant Back River, the hazard to local marine navigation, and many other areas of concern which we're sure you are familiar with.

We are aware of the great responsibility that you have in maintaining the Port of Baltimore in competition with other large cities. We; therefore, agree that the dredging of the Baltimore Harbor must be ac-



# Girl fights state to save 'treasure island'



**PEGGY WEIDINGER**  
... has a different reason for saving two islands

*Towson Bureau of The Sun*

While opponents of a state proposal to dump Baltimore harbor spoils at Hart and Millers Islands have so far concentrated their efforts on pollutants, contaminants, and rates of erosion, 13-year-old Peggy Weidinger feels she has come up with a better reason to stop the project.

"Way back in 1821," Peggy wrote recently to Representative Clarence D. Long (D., 2d), "Joseph Hart, just before he died, buried \$15,000 in two boxes . . . somewhere on his island."

"A keg of English gold is thought to be buried there, too. You just can't cover this up with mud. Please try to stop them before it's too late."

Peggy Weidinger's treasure island is actually a small, uninhabited piece of land at the mouth of Back River in Chesapeake Bay waters off Baltimore county.

Hart Island, and Millers Island a few hundred feet away, is the site of a proposed 2-acre, diked-in, man-made island that the state wants to create from spoils dredged from Baltimore harbor and the approach channels.

The state says that the project will not pose a pollution threat to the Bay or its wildlife and that the new island—when it is completed in 20 years—will be a prime recreation site.

The state's experts also say that the Hart and Millers Island site is the most economical for the dumping of the 100 million cubic yards of spoils that are expected to be dredged up. Moreover, unless the harbor and its approaches are deepened and widened, the metropolitan area will be dealt a severe economic blow, they argue.

But Peggy, who would sorely hate to see all of Joseph

Hart's hard-earned money buried beneath tons of mud, is unmoved by the facts and figures.

"I think I know where it is," she asserted, "and I've got 'dibs' on it."

According to local legend, as recorded in a pamphlet put out by some local treasure-hunters, Joseph Hart was an Englishman who operated a tavern at Baltimore and Front street during the early 1800's.

He was said to have lived with his family on Hart's Island, which was originally surveyed in 1659.

The way the legend goes, Mr. Hart mistrusted banks, but was afraid to keep his money at home or on his person; he had apparently been attacked and robbed several times in a Baltimore which may not have changed so much after all.

He thus buried about \$15,000—in what form it is not known—in "two boxes and two tanks" at a "depth of not more than three feet" in a secret hiding place.

Later, Mr. Hart was said to have been sitting in his living room when he saw a cloud of vapor arise above a spot in front of his house.

## Only his wife knew

With several hired hands in tow, he went to the spot, and after digging for a while he uncovered "a keg of english gold pieces," according to the pamphlet.

This, too, he took to another part of the island and buried.

According to the legend, Mr. Hart, who died in 1852, told only his wife the location of his hidden fortune. She was said to have spoken tantalizingly of the treasure, to her children but refused to reveal the hiding place.

## Searched in vain

The Hart children, after the death of their mother, were said to have searched in vain for the treasure, and, in 1913, a group of Baltimoreans decided to organize a search for what had become known as the "Hart Island treasure."

But they were denied access to the island by a Virginia sportsman who had since acquired the land.

He is said to have told them

that the treasure—if it existed at all—had probably been submerged by the heavy erosion of the bay waters.

But Peggy, an 8th grade student at Stemmers Run Junior High School, remains undaunted by the past failures. She plans to organize a search "with a couple of friends" this summer.

She said she has explored the island over the past 10 years and is familiar with what she thinks may be the hiding place.

In fact, Hart and Millers Islands have been a favorite spot of Peggy, her parents, Mr. and Mrs. John G. Weidinger, Jr., and her two brothers for some time.

## "Away from everything"

"We've been everywhere on the bay," said Mrs. Weidinger, who is one of several hundred county residents who have expressed opposition to the state proposal. "But there is no place fit to swim but there."

Although state officials have assured county residents they will not proceed with the plan until it has been determined there will be no environmental damage, it seems unlikely that Peggy and her fellow treasure hunters will have many summers left to go digging for the Hart Island treasure.

"Until then," quipped an engineer involved in planning the project, "I think you and I better go looking for it."

## Girl fights to save Hart Island 'treasure'



Dear Friend:

Thank you for signing my petition urging the U. S. Army Engineers to hold a public hearing on the State's proposal to build a diked sludge disposal area at Hart-Miller-Pleasure Islands. Over five thousand others have joined you.

I shall present your petitions to Col. Prentiss, the Baltimore District Engineer, after he issues a public notice requesting public comment on the proposed work.

My April 10 visit to Craney Island, Virginia, has made me more opposed than ever to locating a diked disposal area on Hart-Miller-Pleasure Islands. Craney Island is four square miles of desolation - vast watery stretches, barren dirt, cracked sludge, and abandoned pipes and machinery. Residents of nearby Rivershore Road are literally wild against the project. Seawalls and beaches have been washed away, trees and backyards have been lost, soft shell crabs are gone, fish spawning grounds are ruined, and when the wind is wrong, the odor from the diked area is overpowering.

I plan to present this information at these two hearings:

-- Monday, April 17th, 7:30 p. m. Stemmers Run Junior High School, Stemmers Run Road and Eastern Avenue, Essex. The Maryland Department of Natural Resources will hold an informal hearing.

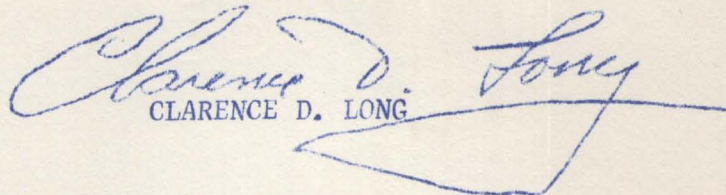
--Thursday, April 27th 10:00 a. m. Room 106, Baltimore County Office Building, Chesapeake Avenue, Towson. The Board of Public Works will hold its formal hearing on the project.

Hope to see you at both hearings!

Meanwhile, I am urging Governor Mandel to consider a different disposal site --some miles away from Hart-Miller-Pleasure Islands. If the State persists in its plan to dump on these islands, there is the possibility of my House Appropriations Committee denying funds for dredging.

I shall keep you posted.

Warm regards,

  
CLARENCE D. LONG



# MILLERS ISLAND

## A PARADISE IN JEOPARDY?

By MICHAEL OLESKER

Photos by Fred G. Kraft Jr.



■ Millers Island looks like a Wyeth painting in autumn and winter. In summer it resembles a miniature Ocean City.

In a few years, it might look more like a ghost town.

"They're trying to spoil our paradise," Tom Durkin said, lifting a hammer from the boat he was repairing along a windy beach front and pointing off in the direction of Annapolis.

That's where plans have been hatched to convert dredge from Baltimore harbor into a diked disposal facility in the waters off Millers and Hart Islands.

The facility, extending from the northern tip of Millers Island to the southern sector of Hart Island and eastward into Chesapeake Bay, has people in the area infuriated and worried for their homes and their lifetime investments.

The dike, they say, will turn the waters of Back River and the Chesapeake Bay murky and unclean. And they worry that heavy

winds could wash the dike material up onto Millers Island and cause severe damage.

"We've got good clean water here now," Durkin said. "Clams are starting to come up, the crabbing's getting better, and the wild

ducks are coming back. This dike will ruin us."

Millers Island people—and a lot of city folks who turn to Millers Island in summers for swimming, boating, crabbing, fishing—justifiably see this as the ideal example of all those "Land of Pleasant Living" advertisements.

About a hundred families live here year-round, and thousands more flock to the beaches and waters off southeast Baltimore County in the summers.

"It's a great place to be in the summer, but it's even better to live here," said Danny Schaefer, who moved to Millers Island about a year ago and works in a local boat yard.


"People cooperate with each other," Mrs. Josephine Ranicker added. "It's a close-knit community."

But, like everyone else on Millers Island, Mrs. Ranicker would rather talk about plans for a dike than most anything else.

"If they pollute us with that dike, all the boat business will be dead. I won't be able to get fresh fish, which means no more fresh-fish dinners," which Mrs. Ranicker and her husband serve at their

waterfront establishment, Hicks' Fisherman Inn.

"People come here in mobs because they know we have fresh food from the Bay," Mrs. Ranicker said. "That dike would put everybody out of business and ruin everything."

It might, for example, do a lot toward diminishing the population of this peninsula already physically diminishing since at least 1810. 



In that year, Millers Island consisted of 134 acres. In 1948, erosion had worn it down to 90 acres, and it stands today as some 40 acres of land.

Legend has it, too, that there is treasure buried on Millers Island. But local fishermen say the real treasure is the area's wealth of beauty and natural resources.

Hicks Ranicker has been on Millers Island long enough to know about life on the peninsula, and he works its waters at daybreak daily for fresh fish for his inn.

"I first came here in 1918," he said. "Came out here for one day and stayed for a week. They thought I'd run away from home, but I just fell in love with the place.

"I paid my first rent here in 1926. Cost me \$50 a year then, and sometimes I had to take in partners to pay it. And I'd have a shore for a whole year."

Ranicker is an original. On a recent afternoon, he stood by the 20-foot boat he uses for fishing and crabbing, wearing a plaid lumber shirt over a "Batman" sweatshirt, and talked about his record as the area's top pigeon racer, his life on Millers Island, and the threat of the dike.

"The water does something to you," he said. "You don't want to leave."



"It's a rough life," he added. "You've got to like it to live it, fishing in the fall and winter. That wind'll splash water up and freeze you. I've come in the house with so much ice on me, stood by the fireplace and it's looked like a swimming pool with all the water melting off me."

"But it's the sort of life where there's something new every day. You leave in the dark, get to work at daybreak, and you work for six to eight hours. It's good work."



*So-called Millers Island soon will forsake its leisurely winter pace for summer bustle and Hicks Ranicker (top) will again supply his Fisherman Inn with fresh seafood. Paul E. Waldmann, who also rents boats, is busy these spring days repairing his gill nets.*



*The Craig Hill rear-range light that guides ships into Baltimore harbor lies at the southern tip of Hart Island. Millers Island, uninhabited, is to the north. The community of Millers Island is really a peninsula called Black Marsh on charts. Here Tom Durkin builds small boats.*



MILLERS ISLAND

In summer, it resembles  
a miniature Ocean City



MILLERS ISLAND

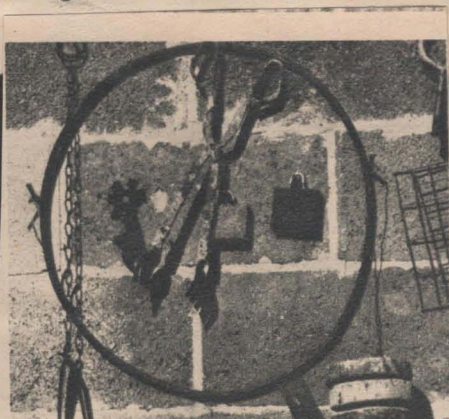
Craig Hill range light  
shines down the bay





But the work, and the life, are threatened by the proposed dike.

"What can we do about it?" Ranicker asked. "They spent a million dollars even before they told anybody what they were doing. We didn't find out what was going on until we read about it in the papers. They knew what they were doing and we didn't."



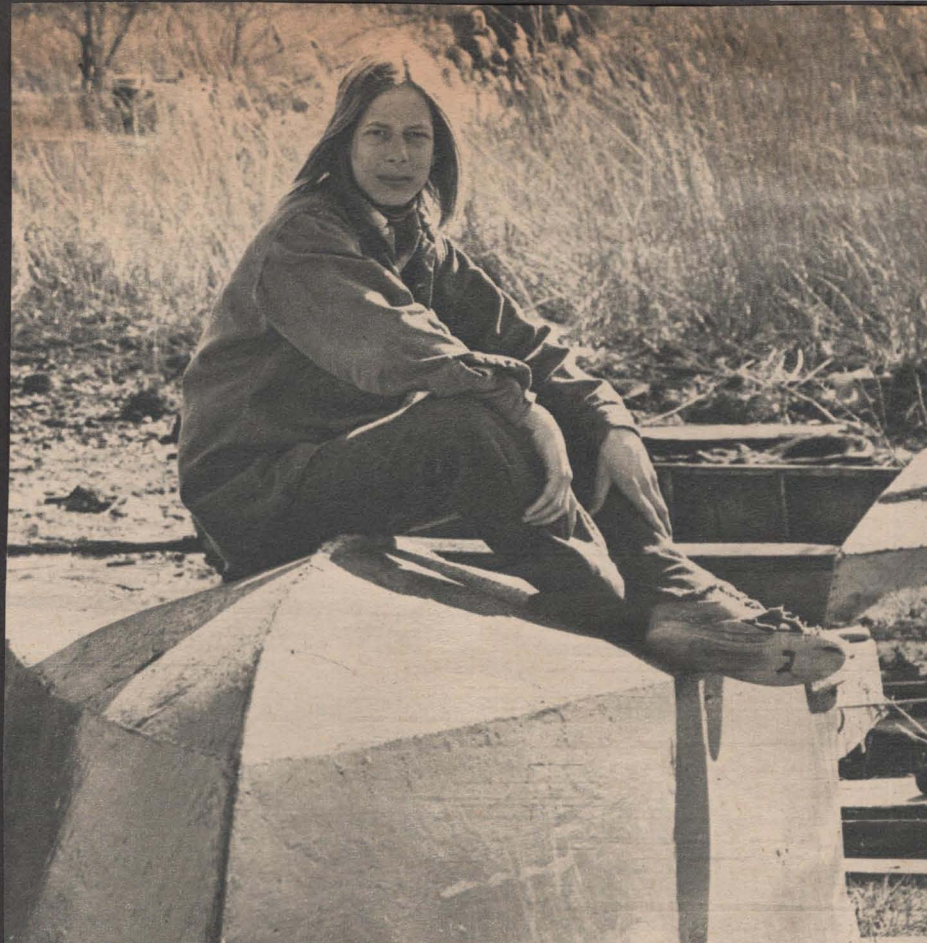
"We catch one bad hurricane with that slop out there and it's all over. Those hurricanes come out of the southeast, and all that sludge will hit us like a dead pigeon. It'll wipe out our houses."

As it is, Millers Island has had its share of hard times with flooding, and with politicians unwilling to help meet problems.

Hurricanes, or just heavy rains, have caused flooding several feet in depth in the streets. In November, 1950, some 400 people had to be evacuated by Red Cross workers on a freezing night.

When the floods are not quite so bad, milkmen make deliveries in hip boots and residents move around the streets in rowboats.

But there have been fights, through the past few decades, with politicians slow to bring improved sewage facilities, protection from



*Millers Island, gradually eroding, was once the site of a hotel. It still has several restaurants, a public fishing pier and hundreds of rowboats for rent, but there is controversy over a landfill. But for now the boats are being readied with fresh coats of paint and 15-year-old Ed Ranicker suns after a day at Sparrows Point High.*

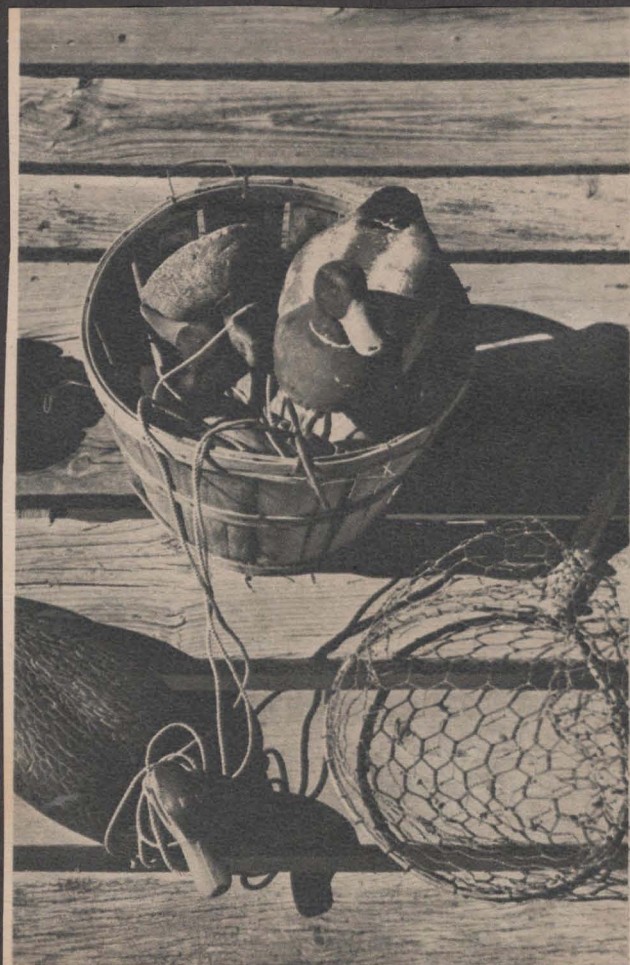
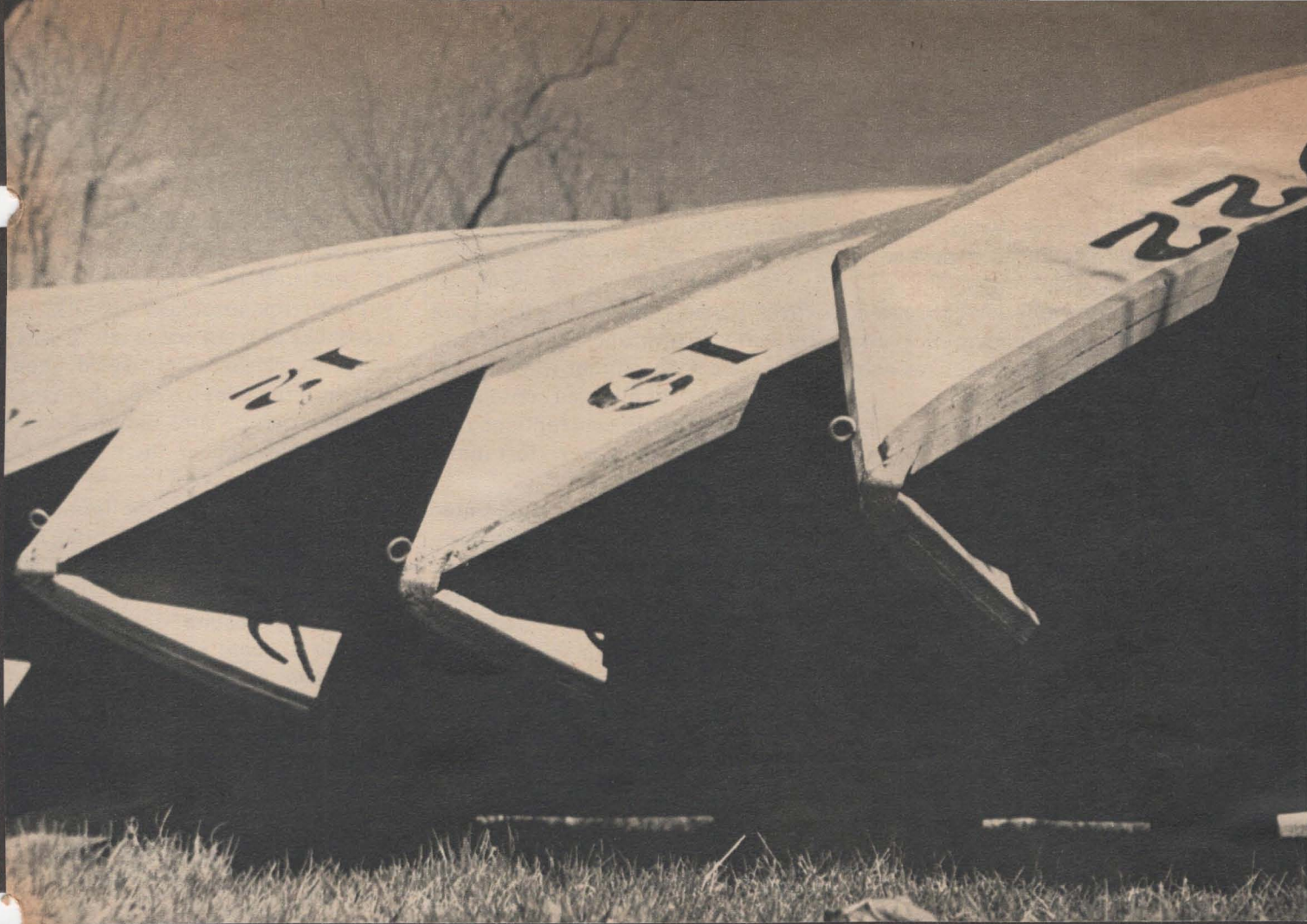
storms, better roads, and clean drinking water to the area.

Until 1964, people on Millers Island either had wells or drove two miles to the nearest water supply point, on North Point Road, for drinking water.

Now, said resident Thomas Johnson, "The politicians are gonna be in trouble if they try to put this dike in here. That's the worst contaminating stuff coming in here, and it's never dry. It'll smell up the whole area, too."

"All those people who come out here in the summer," Tom Durkin said, "will be hurt. Hundreds and hundreds of people out in the water swimming and boating and skiing. It's fabulous right now. It's Little Ocean City. Where else can somebody in the city get in their car and go crabbing in less than half an hour?"





*In summer, these cottage homes are humming with activity as people swim and crab, but in winter it is noisy only with the crack of hunters' rifles. These cottages face Back River.*



# Investigate the alternatives

Essex Ave 2-26-1975

"Investigate the alternatives" became the byword at a mass meeting held last week at Sparrows Point High School protesting the construction of a spoil dike on Hart-Miller Island.

During the meeting, members of the Hart-Miller Island Area Environmental Group presented proposals, possibilities, and potential problems with the Baltimore Harbor sludge.

Although the Army Corps of Engineers had recently given the group a three to six month reprieve by granting more public hearings on the 2½ square mile, 54 million cubic yard capacity dike, the protesters did not allow themselves to become confident of victory.

Virginia Tolbert, President of the North Point Coordinating Council, mentioned how the dike will affect the residential community. "It will be a health problem with pollution, a safety problem, and we really don't know what the ultimate use of the land will be."

She stated, "The heavy riprap will be hauled on 50 foot flat-bed trailers, and we wonder how much rock will go past our two elementary and one high schools endangering the students." Ms. Tolbert added, "And our roads were not built for this type of hauling."

According to Paul Hartzell, "The biggest stone hauler in the area is revamping his trucks to be able to carry these large rocks (for the foundation and wall of the dike)."

Apparently, these large stones, weighing 4-tons each, would be transported to the dike site from Texas Quarry and Frederick Quarry. Environmentalists

argue that the stone from these two areas will be depleted once the project is completed.

Hartzell said, "We can lower the cost of roads and construction by investigating an alternative. Dredge can be a resource."

It was pointed out that the State of Maryland published a document in October 1974 which delved into the possible uses of sludge material. A recent UCLA study indicates that tile can be made from this material.

Another alternate use suggested has been to fill the strip-mining holes in Western Maryland.

A major fear concerns the ultimate use of the land. Ms. Tolbert expressed her feelings, "This is going to be the biggest ripoff in this century. But it all won't happen in 40 or 50 years. Pleasure Island and Black Marsh will be eventually joined in one large dike."

She added, "They are trying to fool us."

Joseph Bormel, Chairman of the Harbor Pollution Commission and President of the Hart Miller Island Area Environmental Group, warned, "We will be the party to no deals. If we are double crossed by the politicians who were elected on the Hart-Miller coattails, they will hear from us in the next election."

Although Senators Norman Stone and Don Hutchinson had to be in Annapolis on legislative

business, they both sent representatives to the meeting.

In a letter, Senator Hutchinson stated, "Senator Stone and I are working closely together to do whatever we can to encourage the state to explore other locations for the dike as well as other methods for the disposal of the spoils... Together we have, during this session of the General Assembly, offered proposals either by attempting to amend existing legislation or by drafting new legislation that would...forbid construction of a dike at Hart-Miller Island."

Hutchinson also indicated his intention to fight allocation of additional funds for the completion of the dike.

At the urging of the Hart Miller Island Area Environmental Group, Ted Venetoulis promised to send a letter to the Secretary of the Army, stating the county executive's position on the matter. At the meeting, Venetoulis announced that he had already sent a detailed note to the Governor.

In the letter, he reiterated several questions that the State of Maryland has failed to fully respond to, including:

How much destruction will occur to the islands?

Will water quality be degraded?

What are the specific pollutants and what would their effect be on the Bay if they were released?

Will property in the area be damaged?

What affect will the dike have on the Susquehanna fish spawning grounds?

Has the cost of the islands and the approach channel been included in the cost-benefit analysis?

What method of transport will be used to get the spoil to the dike?

What will be the appearance of the dike?

What state agency will monitor the dike?

Can the plant and animal life in the area be protected?

Can a test site be established?

Although he neglected to say so in the letter, at the mass meeting,

Venetoulis demanded, "A crash study should be conducted of alternate sites... I don't think that they have fully explored the other areas."

On the County Council side, John O'Rourke and Norman Lauenstein both spoke of their opposition to the dike and pledged to do whatever was possible to block construction.

Congressman Clarence Long stated, "There has been a brainwashing onslaught. They keep saying this is a parochial position we are taking, but it is not. These beautiful areas belong to all the county, all the state, all the nation."

Long discounted the Port Authority's claim that Baltimore has been losing trade. He emphasized, "Other ports are losing business to Baltimore. All ports are having a dredging problem, but the Hart-Miller dike would not be an emergency solution for maintenance dredging... It would take three years to construct the dike."

The Congressman acknowledged, "We are not

against the deepening of the port, but there are other things that can be done with the sludge."

He then mentioned the economic aspects of the situation. "The finished dike is based to be worth \$30,000 per acre, and that can only be based on industrial use... There must be a reason for this fanatical gang-up."

He continued, "I feel there is something sinister...and that the purpose is to industrialize the Middle River area (as detailed in the Feb. 12 edition of THE ESSEX AVENUE.)" Long proclaimed, "The fight is not

lost... The granting of a permit is a long way down the road."

With the Army Corps of Engineers granting new public hearings, the Congressman stated, "Get enough petitions to show there is real opposition. (The Army Corps of Engineers) have promised a real examination of the alternatives. They have admitted they haven't done anything (to seek alternatives to Hart-Miller Island)."



# Push Underway To Change

FEB. 10, 1972

ESSEX TIMES

## Dike Site To Patapsco Mouth

The Patapsco River mouth location was the fourth choice of the consulting engineers in the Trident-Green report.

The Sixth District Senator explained that "while the Patapsco site may not be the best strategic location for the dumping operation, it is the lesser of the evils."

"According to the plan, spoil from the Harbor channel dredging project will be dumped behind an 18-foot high sand dike build to enclose 2,000 acres of Bay bottom around Hart and Miller Island. After a period of 20 to 30 years the water will have gradually seeped from the dredged material to form a

man-made island," he said.

Senator Stone, whose legislative district includes the Sparrows Point area, remarked that "the people who live around here don't even want to listen to one more engineering expert extolling the wonders of their future man-made island."

"What they do want to hear," said Senator Stone, "is a specific and definite guarantee that the water quality of the Hart and Miller Island area will not be sacrificed in a joint city-state effort to boost Baltimore's port economy."

"There's only one way that

guarantee can be given...And that's to change the dumping site from the Hart-Miller Island area to another less vulnerable one," he said.

The state senator stressed the possibility of permanent ecological damage from the slowing down of an already-sluggish Back River current resulting from filling in the opening between Hart and Miller Island.

"The people of Maryland, and particularly the southeastern section of Baltimore County, have just about had it with the state's economy-first, ecology-second attitude," Senator Stone remarked.

Sixth District State Senator Norman R. Stone, Jr., said this week that he will introduce a joint resolution in the general assembly urging the state board of public works to change the location of the proposed rock and sand dike from Hart and Millers Islands to the mouth of the Patapsco River.

The proposed dike is to be built to hold 100,000,000 cubic yards of spoil dredged from the Baltimore Harbor to deepen and widen the channel.

The board of public works for Maryland is composed of the governor, comptroller and state treasurer, who is appointed by the governor.



# Legislator Urges Letter Writing Campaign Against Sludge Dike

JAN 27 1972

Essex Times

BY WAYNE GARNER

During a public meeting on the proposed Hart and Miller Islands sludge dike in Dundalk last week, Sixth District State Senator Norman R. Stone strongly urged area residents opposed to the dike plan to voice their opinion in letters to the governor and state legislators.

"If something isn't done within the next 90 days (period legislature is in session), the work (on the dike) is going to begin around July," the state senator told the dike opposition even though there has to be a public hearing by the state board of public works before the dike plan to hold sludge dredged from Baltimore Harbor is approved. The state board of public works is composed of the governor, comptroller and the treasurer.

Although officials of the citizens' group to fight the dike, the Hart and Millers Islands Area Environmental Group, said that letters of opposition were sent to all state senators and state delegates as well as the two U.S. senators last week, State Senator Stone said that as many letters as possible should be sent to the governor and the other two public works board members to show them how many residents are really against the dike plan on the two islands at the mouth of Back River.

A member of the Baltimore City Inner Harbor Pollution Committee also rejected the dike plan on Hart and Millers Islands as it stands now with only the Trident and Green engineering report without a detailed environmental affect study by saying the dike may "possibly be an ecological

Cemetery.

Mary (Mrs. John) Kirk, 15 Honeycomb Road, recently underwent major surgery on her back and will be hospitalized for at least two more weeks. She is in Room 346-B, Sinai Hospital, and would enjoy hearing from friends.

Jane Burdette, a student at the University of South Carolina (in Columbia, S.C.) has concluded a week's visit with her aunt, Mrs. Callie Young, 18 Compression Court. While Jane was here, Callie took her on exhaustive (and no doubt exhausting) tours of points of interest in Baltimore and Washington.

Mr. and Mrs. Charles Smith and their son Chip, of Oxon Hill, visited Mrs. Callie Young on Saturday and they all went up to Joppatowne to visit Callie's son Ronny Young, his wife Diane and their little girl Kelley. Ronny Young teaches school in Harford County.

Charles ("Chuck") Ritz, Boy Scout Troop 4 308, is working for a merit badge in Conservation and Natural Resources; to receive it, he must have a theme on this subject published in the local paper. Here is what Chuck has written:

"Water pollution is a major problem in this area. In recent years, another type of pollution has developed, thermal pollution. Some types of industrial plants use river water to produce power or in manufacturing. This increase in temperature may affect the biology of the river and have a harmful effect on fish life. Polluted water may not be usable by many industries that need pure water for their manufacturing. The cost of making this water fit for us may be too high and an industry will have to move elsewhere."

"Floods: August 1, 1971; do you remember that night? Some people do because their homes were flooded. These homes were flooded because the ditches in the area were stopped up, highways were being built and there were not enough trees to suck up the rain water." "Salt kills: Ecologists argue that the 10,000,000 tons of salt dumped on the snowy streets each

looks like one. Those in our party who enjoyed Dr. Long's hospitality were: Mr. and Mrs. John Howarth and their daughter, Darlene, Gaynell Gui, Kitty Sinclitico, Mary Ann Havrilak, Emma Gaw, Jack Maguire, Margie Herndon, Ethel Gohlinghorst, Helen Wheatley, Kay Lapausky, Ann Hewing, Joshua Johnson, Mary Latini, Adelaide Hamrick, Irene Sagal, Dottie Johnson, Marie Hoerr, Pearle Lee, Betty Jo Dohler, Louis Dohler, Dorothy Wallace, Hester Brink, Mervin Brink, Robbie Young, Elizabeth Lion, Mr. and Mrs. Andrew Masazros, Madeline Nichols, Elizabeth Rose, Louella Simmons, Dottie Sanders, Nell Einschultz, Ann Horner, Boots Wilt, Janice Watson, Enola McKiwsack, Jo Ann Roberson, Margaret Myers, Mr. and Mrs. John Harahus and their son, Mike, Anna Michael and the club's president, Callie Young. Quintin Eckenrode, unable to be with us



# Plans Unit Urging Army To Deny Hart-Miller Plea

The Regional Planning Council (RPC) today adopted a resolution urging the Army to deny a permit for light industrial and commercial development of Hart and Miller islands.

Application for the permit was filed with the Army Corps of Engineers by C. J. Langenfelter and Son Inc., owner of the islands. The firm seeks to build a concrete bulkhead joining the two islands and fill

mit application to make suitable land for industrial and commercial use at Hart and Miller Islands is incompatible, be it resolved that RPC urge the Department of the Army deny the granting of the present application," the proposed resolution reads.

Baltimore County Development Coordinator Stephen Collins, administrative representative on the RPC, had anticipated the resolution adoption.

County Administrative Officer Frederick L. Dewberry recently wrote the RPC, listing reasons for the county's opposition to any development of the islands.

Dewberry noted the islands are zoned RDP (Rural Deferred Planning) and argued development proposed by Langenfelter should be channeled into urban areas serviced by public utilities. Public sewerage on Hart-Miller Islands is not scheduled for 30 years, he said.

Dewberry also charged that industrial wastes "create a potential hazard for the degradation of water quality in the few remaining clean waters of Baltimore County."

The islands are less than a mile from the county-owned Rocky Point Beach at Essex,

he said, and the proposed development could "impact the existing park, degrade and discourage beach use, hurt fish and fowl" and have an adverse effect on local aesthetics.

In other action, the RPC is expected to approve a resolution recommending that most future expansion of the Social Security Administration be concentrated in downtown Baltimore rather than at Woodlawn.

According to a recently released staff study prepared for the RPC, SSA expansion in the downtown area would relieve pressures on transportation, housing and sewage facilities at Woodlawn.



## BALTIMORE COUNTY

in the site for light industrial and commercial development.

The state is awaiting a feasibility study by the Corps of Engineers on its application to build an 18-foot dike on the islands to hold spoil dredged from Baltimore Harbor and

Chesapeake Bay shipping channels.

RPC opposes both applications: "Whereas Baltimore County, RPC and the Departments of Natural Resources and State Planning have all endorsed recreation and open space as the present and future use of Hart and Miller Islands...

"Whereas, the present



# Long Urges County to Seek *News* Northeast Creek Dredging *1-28 1975*

Rep. Clarence D. Long, D-2d, has urged Baltimore County to ask the Army Corps of Engineers to study the feasibility of dredging a portion of the heavily-silted Northeast Creek near Chesa-co Park in Essex.

Long visited the Northeast Creek site following continued complaints from Chesa-co Park residents about rapidly eroding shorelines

resulting from increased run-off in the area.

If a feasibility study suggests that dredging of the stream is required, Long feels the cost could be shared the federal government and the county and that federal revenue-sharing funds could be used. The estimated cost is under \$2 million.

Local residents have blamed sedimentation prob-

lems on Excavation Construction Inc., contracting firm which had formerly used some property it owns along Northeast Creek for filling and grading purposes.

Last June the Maryland Water Resources Administration issued a cease and desist order to Excavation prohibiting further grading and filling at that site.

Nick Yenovich, of the enforcement division of the

Water Resources Administration, says the firm is complying with the state regulation.

"We feel Tropical Storm Agnes was responsible for a lot of the problems in Northeast Creek," Yenovich said.

"I know the citizens feel Excavation Construction is responsible, but our records don't show that to be the case," Yenovich said.

## Hart-Miller Islands group *8-31-78 Times* announces endorsements

The Hart and Miller Islands Area Environmental Group have made a number of endorsements for state and county offices.

The group has endorsed Theodore G. Venetoulis for governor, Steve Sachs for attorney general and Clarence D. Long for second district U.S. congressman.

Donald P. Hutchinson has received the bid for county executive and Patrick T. Welsh was endorsed for 8th District State Senator.

John W. O'Rourke and Alberta Y. Pugh received endorsements for county council from the 7th and 5th councilmanic districts, respectively.

In addition, the environmental group endorsed Thomas A. Baldwin and Frederick A. Hall for House of Delegates from the 9th District.

The group made the endorsements on the basis help they had received and for "concern for environmental values." *8*

## Hart-Miller Is. Hearing

*9-17-75*  
The Maryland Board of Public Works will hold a meeting to decide whether to pursue the construction of a spoil disposal dike at Hart and Miller Islands at the State House in Annapolis on Monday, September 22, at 1:00 PM.

The public is invited and all interested persons are urged to attend.

*Avenue*  
Joseph Bormel, President of the Hart-Miller Island Area Environmental Group, stated, "I cannot over-estimate the importance of this meeting to the citizens of the area. This is perhaps the most important meeting held by the State, since the Board of Public Works is the decision making body." *8*



**Introduced This Week**

# Senate Bill Prohibits Proposed Sludge Dike

MAR 9 1972

*Essex Times*

A bill to prohibit the proposed dike on Hart and Miller's Islands was introduced this week in the state senate.

The anti-dike bill was introduced by State Senator Rosalie Silber Abrams (D., City, 5th) and was co-sponsored by State Senator Norman R. Stone Jr. (D., 6th).

Senator Abrams said that her bill is intended to provide an opportunity for the state departments involved and the public to discuss the merits and demerits of the proposal without specific discussion of an alternative site for the dike.

"The people of Essex and Middle River should not have to bear the burden of proving that Hart and Miller's Island diking proposal is not sound. The departments should demonstrate to the people and to their legislative representatives the validity of their selection," explained the state senator.

She said that the Trident - Green Engineering Consultants' report discounts the destruction of a unique boating, fishing and camping site, and the disruption of the Bay area for a period of at least 20 years. She added that without a Bay model the effect on the backflow from the diking cannot be determined.

Last Thursday, Senator Abrams, as well as Senator Stone, Congressman Clarence D. Long and members of the Hart and Miller's Island Environment

Group testified before the Senate Economic Affairs Committee on a resolution introduced the other week by Senator Stone that urges the state board of public works to change the location of the proposed dike from Hart and Miller's Islands. Congressman Long told the committeemen that the dike would be "an evil smelling, evil looking giant bowl of gravy that from time to time will be sluiced into the Bay." He also said that the chemicals in the Baltimore Harbor sludge in the dike would emit a "rotten egg gas". Senator Stone told the legislators that the Hart and Miller's Island site was picked mainly for economical reasons and that the dike would ruin the present recreational value. He suggested the dike be placed at the mouth of the Patapsco River closer to the Baltimore Harbor where the surroundings are more suitable.

Senator Stone's resolution was criticized recently by First District County Councilman Francis X. Bossle as being "scare tactics". Councilman Bossle said that the resolution's reference that a similar dike at Craney Island, Virginia, was a dismal failure was "unfounded". He said that while touring the Craney Island dike with Fifth District Councilman Harry J. Bartenfelder, other county officials and Al Clasing, president of the Hart and Miller's Islands Environmental Group, he detected no odor, saw wildlife, heard

reports that the rip rap wall was a haven for fish and crabs, and saw tests that indicated there was no pollution around the dike. He told County Executive Dale Anderson that he favored the Hart and Miller's Island site for the dike unless evidence was given that the operation would contaminate or have an adverse ecological reaction. In his report to the county executive, though, he did feel that the sluice gate filtration of the water that returns to the outside may not be the most efficient method and could possibly return polluted material to the outside.

Last week, Councilman Bartenfelder said that he also favored the dike and had commitments from the state to use the land created by the dike for recreation only and that they will fill the dike with sludge section by section so that it will harden quickly and be used by the public. He said he is also trying to get a commitment from the state to build a bridge from the mainland to the dike so the general public could easily go to the site instead of just having the area boatmen use the islands as they do now in its present state.

Also last week, the state department of general services filed its application with the department of natural resources to obtain a license to build 1,130-acre dike on Hart and Miller's Islands. James B. Coulter, secretary of the department of natural resources, said he will hold a public meeting in this southeastern area on the dike proposal before making recommendation to the state board of public works, composed of the governor, comptroller and treasurer, which must also hold a public hearing before approving or denying the application. Mr. Coulter said he hoped to hold his public hearing around the first week in April.



**Meeting Set July 23**

*Dundalk Times  
July 22, 71*

# Dredge Dumping On Hart, Millers Islands Cause Concern Here

Rep. Clarence D. Long (D., Md.) will hold a meeting of federal, state and private experts to discuss the proposed dumping of 100 million cubic yards of dredged material from Baltimore Harbor by the Army Corps of Engineers onto Hart and Millers Islands. The meeting is scheduled for Friday morning, July 23, at 10 a.m. in the Congressman's Towson office.

the Army Corps of Engineers will attend the meeting.

The dredging project -- to deepen the main Baltimore Harbor shipping channel from 42 feet to 50 feet and to widen it from 600 to 1000 feet for a distance of 25 miles -- was originally approved by the 1969 General

Assembly. The islands were approved in February 1971 by the State as a diked area to contain the dredged material. An independent consulting firm selected this site as its first choice on the basis of environmental considerations and engineering feasibility.

Rep. Long said there has been widespread concern about the ecological, economical and industrial effects of the dumping on the two islands of Rocky Point Park. Questions asked are: would storms and currents cause the spoil to shift and block the access to Middle River? How will the island be used after completion? What will happen to the magnificent beaches? Can the wetlands and the crabbing and fishing industries be saved? Will the silt cover the beaches of the waterfront homes in Baltimore and adjacent counties? "Improvements to the harbor and channels are needed, but we must make certain that precautions are taken to protect the environment," Long said.

Representatives from the Environmental Protection Agency, the Submerged Lands Commission, Baltimore County Planning, the Regional Planning Council, the Department of General Services, and

NOV 13 1975 THE AVENUE

## Governor Likes Dike

As expected, the Maryland Board of Public Works, consisting of Governor Marvin Mandel, State Comptroller Louis L. Goldstein, and State Treasurer William S. James, voted in Annapolis last Wednesday to give final state approval of the Department of General Services proposal to construct a dredge spoil disposal dike at Hart and Miller Islands.

Construction of the containment site at the mouth of Back River cannot proceed until the Army Corps of Engineers grants a permit for the two-square mile, 54 million cubic yard capacity facility to be built.

Goldstein voted for the controversial measure because, "(we need the dike) in order to maintain a viable port...We can't stand by and let this port deteriorate."

Governor Mandel, at the behest of the board, has dispatched a letter to the Army Corps of Engineers advising the federal agency of the ruling, and urging swift action on the permit.

*The Ave*

## Hart-Miller Island *April 30-75*

The Baltimore District of the Army Corps of Engineers will hold a public hearing on the proposed spoil dike at Hart-Miller Island at Patterson Senior High School, 100 Kane Street, on **SATURDAY, MAY 10**, beginning at 10 AM.

Joe Bormel, President of the Hart-Miller Island Area Environmental Group, stated, "We

want to have people speaking all day and all night. We want the Army Corps of Engineers to realize the extent of the opposition to the dike."

Those with any opinions on the projected dumping of 52 million cubic yards of dredge material in a containment area on Hart-Miller Islands are urged to attend.



Statement of Congressman Clarence D. Long in opposition to proposed Hart-Miller-Pleasure Islands Project, State Department of Natural Resources Hearing, April 17, 1972

Mr. Chairman, I have come here tonight to express my opposition to locating a diked disposal area on Hart-Miller-Pleasure Islands. At the outset I want to make clear that I support dredging to deepen Baltimore Harbor, but I oppose dumping that dredged material or any other dredged material at a diked disposal area on Hart-Miller-Pleasure Islands.

I feel that the state should select another disposal site -- in a nonresidential, non-recreational area -- nearer the area to be dredged.

My recent inspection of Craney Island, Virginia, and my subsequent discussion with residents of the adjacent area have strengthened my conviction that the diked disposal site should not be built on Hart-Miller-Pleasure Islands.

On March 30th I inspected Craney Island, Virginia -- the land fill which state officials told me would be a model for the proposed Hart-Miller-Pleasure Island diked disposal site. Craney Island is 4 square miles of desolation -- vast watery stretches, barren dirt, cracked sludge, and abandoned pipes and machinery. An official of the U.S. Environmental Protection Agency took a sample of the water released from the sludge that was pouring through the sluice gates into the James River.

Analysis of that sample conducted at Environmental Protection Agency labs in Annapolis and Charlottesville, Virginia, showed that the water pouring out of the diked area contained a high level of organic carbon and a high level of organic nitrogen, with a moderately high phosphorous content -- all three of these could stimulate aquatic plant growth. One such aquatic plant is sea lettuce -- which releases evil-smelling hydrogen sulfide -- and which may be the cause of paint blackening on homes adjacent to Craney Island. In addition, Environmental Protection Agency scientists found "unexpectedly high levels of iron and lead in the sample." The high level of lead exceeds the amount permitted in drinking water and is sufficient to threaten shellfish. Lead may be found in 2 forms -- in soluble form or attached to silt particles. If lead lodged in silt particles reaches oyster beds, for example, oysters could accumulate toxic levels of it that would be harmful to oysters and to oyster eaters.



In July and August the Environmental Protection Agency proposes, at my request, to follow up this preliminary analysis with 2 intensive surveys of the Craney Island area. At that time the James River flow will be at its lowest, and the discharges from Craney Island will have their greatest effect on the surrounding area. In addition, the hot summer months are the most conducive to marine plant growth.

Residents of the River Shore Road area, who own homes along the James River shore west of Craney Island, have complained to me about the foul odors that marine plant growth and the occasional burning of railroad ties have caused in the summer. They say they cannot open their windows. Residents also reported that high water levels caused by dumping spoil into the island had destroyed pine trees on their property, washed away many of their beaches and even covered some backyards during high tide. Someone loses a seawall every year. Residents have been forced to build bulkheads to protect their property against erosion. Children can no longer swim in the river, fish spawning grounds have been destroyed, and soft shell crabs have disappeared. Erosion, odors, and other adverse environmental conditions are ruining the beauty of their property and lowering its resale value. People have already taken losses in selling the property.

This is the Craney Island story. The people of Eastern Baltimore County are in for the same unpleasantness if the diked disposal area is built on Hart-Miller-Pleasure Islands.

Before closing, I would like to say -- in the presence of the state officials responsible for this proposal -- that your ecological report on Hart-Miller-Pleasure Islands was inadequate and raised many serious questions.

Among them:

1. What consideration was given to the other 69 sites the State had under review? Only 5 of these ever survived the initial consideration.



2. What odors, fumes, or other unpleasant emissions might area residents expect?
3. Now that sluice gates have been added to the engineering plans, what precautions will be taken to insure that only uncontaminated water is released into the Bay?
4. What damage might be done to tidal flow in Back River? Could dike construction lead to increased siltation and pollution?
5. What dangers to human, and aquatic life are presented by the heavy concentrations of toxic metals and oil in the sludge?
6. How much will pleasure craft be restricted in the area during construction?
7. How long after the 20 to 30 year settling period would be required to develop the area for recreation?
8. How "small" is the risk of spillage during handling and transport of spoil? How much damage would a small, or a large spill of dredged material cause?
9. What will be done to prevent or minimize the chance of pipeline rupture during the filling process?

In my opinion, the state should not proceed with a plan to build a diked disposal area in any location, but particularly at Hart-Miller-Pleasure Islands -- until these questions can be answered.

I urge the State to reject the Hart-Miller-Pleasure Island site for this project because, quite aside from the possible pollution that could result is the fact that this will be a destruction of the visual environment -- namely an incredible eyesore for as long as I and most other middle aged people will be alive. Even if the site is eventually restored to a recreational area -- an "if" that is loaded with innumerable obstacles to reality -- it cannot possibly be as delightful a recreation area as it is now.

Let me repeat, I am not against deepening the channel, but I am strongly opposed to dumping spoil dredged from the channel into a diked area on Hart-Miller-Pleasure Islands.

Thank you

INTERLAKES COUNCIL OF MUNICIPALITIES  
REGION OF LAKE AND MOUNTAIN DISTRICTS  
DEVELOPMENT OF MOUNTAIN RESOURCES  
MOUNTAIN GEOLOGICAL SERVICE



MARYLAND GEOLOGICAL SURVEY  
DEPARTMENT OF NATURAL RESOURCES  
JOHNS HOPKINS UNIVERSITY  
BALTIMORE, MARYLAND 21218

EROSION OF HART AND MILLER ISLANDS  
BALTIMORE COUNTY, MARYLAND

The earliest accurate map of Hart and Miller Islands was compiled by the U. S. Coast and Geodetic Survey in 1846. It can be assumed that the islands about 200 years ago were connected to each other and to the mainland, forming a narrow peninsula protecting the south shore entrance to Back River. The islands are shown on the accompanying map with shorelines of 1846, 1933 and 1969.

The acreages of Hart and Miller Islands are hereby listed for the period 1846-1933:

	<u>Hart</u>	<u>Miller</u>
1846 .....	264	124
1933 .....	150	52

Sometime between 1951-52 the narrow southern part of Hart Island, aided by man's efforts, broke through. Since that date the gap has widened to about 1,000 feet. The southern segment of Hart Island has recently been renamed Pleasure Island. The present acreages of Hart-Pleasure Islands and Miller Island are:

	<u>Hart-Pleasure</u>	<u>Miller</u>
1967 ..... 94		33
1969 .....	26	

Thus, in order to compare the 1846, 1933, 1967, and 1969 acreages of Hart Island, the acreage of Pleasure Island should be added to the present Hart Island figure. The annual rate of loss in acres for the period 1846-1933 is 1.2 acres for Hart Island and .8 acres for Miller Island. Between 1933 and 1969 the annual rate of loss of Hart-Pleasure Island was .6 acres, and .5 acres for Miller. The rates of erosion are higher for the period 1846-1933 than for 1933-1969. This may be explained by the larger number of extra-tropical storms and hurricanes during the period of 1846-1933.

Maximum lineal recession of Hart Island has occurred on the Bay side. Between 1846 and 1933 maximum lineal recession was 5.7 feet per year. Between



1933 and 1969 maximum lineal recession was 5.5 feet per year.

Miller Island has the same maximum annual lineal recession rate as Hart, 5.7 feet per year for the period 1846-1933. For the period 1933-1969 the maximum lineal rate was 10 feet per year.

Of interest is the erosion rate on the Back River-Hawk Cove side of Hart-Pleasure and Miller Islands. The southern part of Hart Island, now called Pleasure Island, had a maximum lineal recession of 3.4 feet per year for the period 1846-1933. Present Hart Island for the same period had a maximum lineal recession of 5.2 feet per year. Miller Island for the same period had a maximum lineal recession of 2.3 feet per year. Between 1933 and 1969 maximum annual lineal recession rates for Pleasure, Hart and Miller on the Back River side are 2.0, 3.4 and 3.4 feet respectively. The rates for this period are less than experienced during the period 1846-1933 for the reason already stated, that of more severe storms during this period than for 1933-1969.

Considering the historical shoreline record of the islands and present trends, the following are probably predictable changes to the islands as a whole and specific locations of high erodability:

#### Pleasure Island

Although the Bay side has not experienced as much erosion in the past as the Back River side, the severance of Pleasure from Hart Island has caused diminishing of littoral drift from Hart Island, thus one can expect an increase in erosion rate along the Bay side. The northern end, B, of Pleasure Island is receding southward, thus as the island becomes smaller tidal current through the inlet will accelerate erosion rates on the Bay side. The annual loss of .6 acres per year, therefore, cannot be used to predict with certainty the life expectancy of Pleasure Island.

#### Hart Island

The entire periphery of this island is eroding. Point C, the southern tip, is receding northward and Drum Point, point D, is receding eastward. The center of area D-E is eroding at almost the same rate as on the Bay side at point G. This area of Hart Island is about 500 feet wide at present, but it is a low marsh area that could be breached by extreme storm activity, thus making Hart two islands. Point F, the northern end of Hart, is receding southwest.

#### Miller Island

This island is a low marsh and the entire shoreline periphery is eroding. The northeast end of the island about 800 feet from point J is only 300 feet wide and could be breached by extreme storm conditions, thus creating two islands.

#### RESUME

Providing no shoreline protective devices are constructed, by projecting the rates of loss for the period 1846-1933, it is predicted that Hart, Pleasure and Miller Islands will have ceased to exist by the following dates:

Hart	2045	(78 years)
Pleasure	1991	(22 years)
Miller	2008	(41 years)

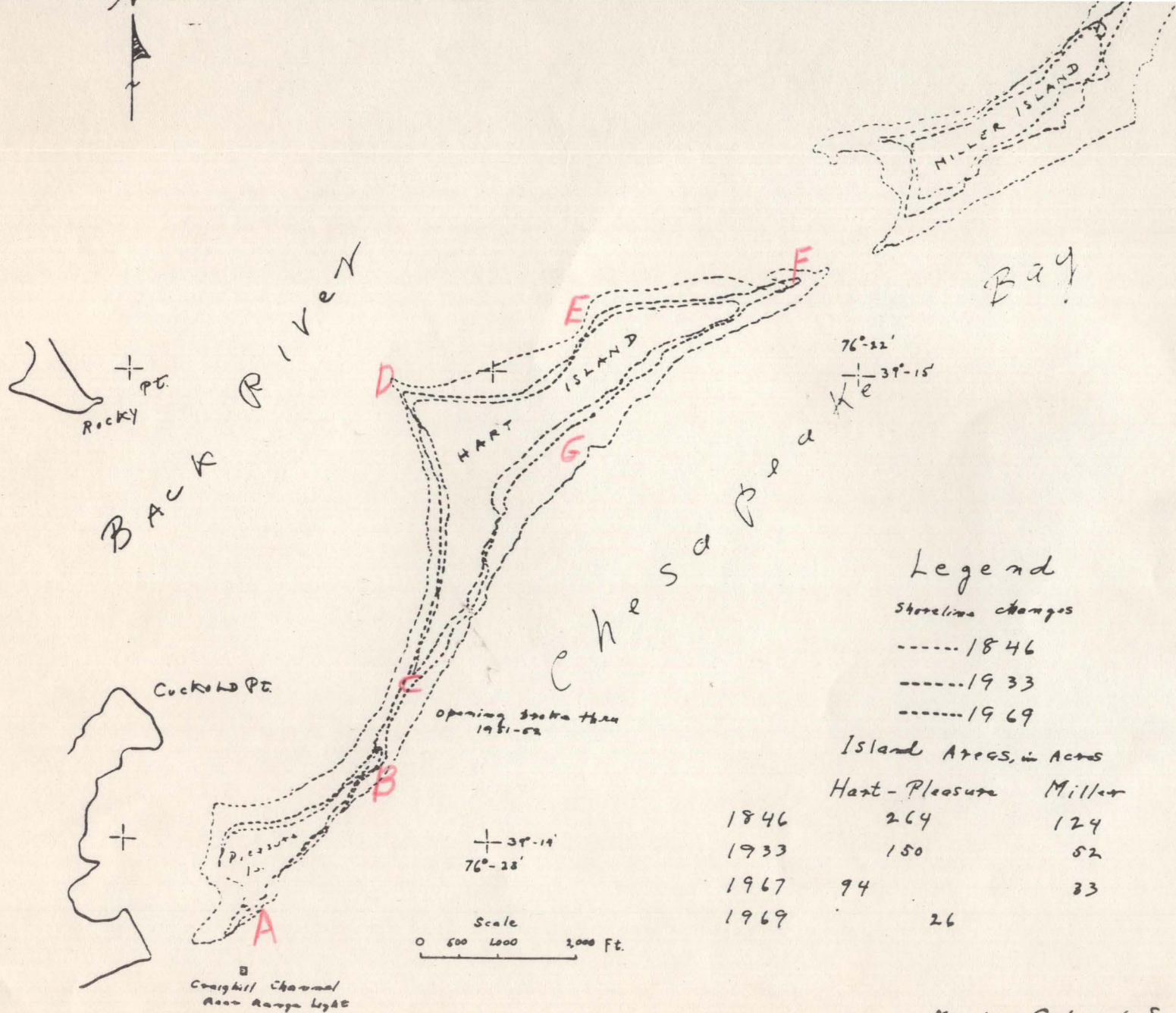


These are conservative estimates, because as an island becomes smaller the rate of erosion generally increases. Therefore, the life expectancy of these islands may be well under the above figures.

TURBIT H. SLAUGHTER  
Geologist

THS:crb





### Legend

Shoreline changes

----- 1846

----- 1933

----- 1969

Island Areas, in Acres

Hart - Pleasure Miller

1846	264	124
1933	150	52
1967	94	33
1969	26	

Maryland Geological Survey.  
Dr. Kenneth H. Branson, Director

December 26, 1971, K.H. Branson





*It was a rambling house, sturdily built (Ed. Note, "Big Gun" Blogg is the man on the right).*

*The House on Hart Island*



# Craney Island: Ruin of Hampton Rds

PORTSMOUTH, VA: For several hours, Robert W. Pierce intently toured Craney Island, seeking to discover in the limited time available, the various benefits and detriments of the Hampton Roads facility. As Chief of Operations and Maintenance for the Maryland Environmental Service, Pierce would be in charge of the Hart-Miller Islands dike when and if completed. On his Virginia visit, he made numerous observations and comments comparing Craney Island with the proposed site slated for the head of the Chesapeake Bay. And although he found flaws, Pierce emphasized that the Hart-Miller Islands complex will not have the same limitations.

As the bus whined toward the houses that look out on the 2500 acre facility, the jovial gent mused, "For once the government is doing something right (in regards to Hart-Miller), and no one believes us."

Upon leaving Craney Island, Pierce recalled the voluminous dredge he witnessed pumped into the site. "After seeing that material up close, the thought of that gunk being put into the Bay, re-emphasizes my enthusiasm for a containment area."

The bus motored past the elite River Shore homes. For Robert W. Pierce, the dike drifted to the cavern of memory, while someone mentioned the loveliness of the houses that border Craney Island.

But for those lovely \$75,000-\$100,000 homes, the spoil area that accepts more than 4.5 million cubic yards of dredge annually, cannot be hidden in the recesses of the mind.

"We moved here because of the waterfront it's a beautiful view," declared John Tuttle and

everyone else I spoke to with a River Shore Road address. The sight and sound and sensation of the waters of Hampton Roads kissing the sand certainly beckoned to those who sought the serenity of the sea. And whether they relocated to the area in 1954 or 1968, the tales remained the same, only the nuances cared to change.

"We've been here since 1955," related Walter Griggs. "We were one of the first homes, and Craney Island was just at the beginning stage. They were bringing out some equipment to build it up, but, of course, at that time, there were no residents out here so there was little opposition... little voice expressed about it."

Lloyd Walker, a retired Marine Corps Captain who presently works with a shipping company importing automobiles, stated, "People didn't know what the outcome of Craney Island would be. At that time, our Congressman lived here and he knew all about it, but the local citizens knew nothing."

The River Shore resident painted the scene of the moment before development. "This was all farmland. So, what the hell did the people here know about it? They're growing soybeans. What the hell does it matter to them?"

"I've been in the area since 1951," remembered dermatologist P.A. Wilhite. "I came to live here when the project was being planned and then it was under construction when I brought this piece of land."

He too recalled a placid scene. "I was out here by boat before the area was built up I fished out here for small sharks. This area (where I live) was a small forest; it was not utilized other than for picnics and Boy Scout camping. Just about 300 to 400 yards inland, there was truck farming. It was on these lands that vegetables were grown and transported by barge to sailing vessels that took them up the channel to Baltimore and other cities."

But the years drifted on. Houses went up; Craney Island did the same. Yet, the spoil site apparently became lost in the mist as people eagerly purchased homes smiling invitingly on the Hampton Roads shore.

Tuttle, President of the River Shore Civic League, moved into the district in 1964. "You could hardly see Craney Island then... and we couldn't conceive it would become such a problem."

When Tom Womble selected his home in 1968, "We knew about Craney Island, but the advantages of living on the water and the beautiful view outweighed the disadvantages at that time..."

Assistant Superintendent of Portsmouth Schools, Walter Galliford, also joined the Rivershore community in 1968. "The profile of the disposal area was so low, it was almost indistinguishable..."

As time rattled on and the walls of the project site rose toward heaven, the people begrudgingly came to accept the existence of the dredge depository. However, the passive attitude began to change once the Army Corps of Engineers unveiled plans

to raise the levees from the presently authorized limit of 18 feet to 30 feet and extend the dike westward to expand the facility to over twice its present size of four square miles. If the proposed expansion receives approval,

approximately 55 homes will front on the containment site. The main citizen discontent focuses on this proposed westward expansion. Fortunately, for the affected residents, opposition to this move has come from Congressman Robert Daniel, Portsmouth Mayor Richard J. Davis, Virginia Delegate E. Schlitz, J. Brewer Moore of the Portsmouth Planning Commission, R.L. House of the Portsmouth Chamber of Commerce, and all sorts of other influential people. With the negativism expressed at the last public hearing, Colonel Robert Ayers, Norfolk District Engineer for the Army Corps of Engineers, acknowledged, "I probably won't recommend the westward expansion of the dike... However, the final decision rests with someone higher (in authority)."

Yet, if Craney Island did no more than cease operations at a Congressionally authorized height of 18 feet, and did not expand in the slightest, nothing could negate the fact that four square miles of Hampton Roads had disappeared under tons of river bottom, and that the water current had altered its millenium course.

"That place is the ruin of Hampton Roads," bellowed Tuttle and his neighbors.

*Aug 6 - 75*  
(Next week, the effects of Craney Island on the community will be discussed).



# Hart - Miller Fights On

by Joseph Bormel  
President Hart-Miller  
Island Environmental

*ave* Group Dec 30 - 75

1975 has been a challenging year in the never ending fight to preserve the residential and recreational character of the area surrounding Hart and Miller Islands. Although it would take many pages to chronicle everything involving the situation, I shall try to stick to a few of the highlights.

Following a letter asking him to discuss with us our position on the Hart-Miller situation, the newly-elected County Executive Ted Venetoulis and the new County Council met with us on separate occasions in early February.

For a Valentine's Day gift, the Army Corps of Engineers announced they would hold another public hearing on Hart-Miller Islands before determining whether Maryland can build a spoil dike at this location.

At a mass meeting, held at Sparrows Point Senior High School, on February 20, nearly 200 area residents, plus Congressman Clarence D. Long, State Senators Norman Stone and Donald P. Hutchinson, County

Councilman John O'Rourke and Norman Lauenstein, and Ted Venetoulis voiced their opposition to the dredge disposal site. At this meeting, a petition drive against the dike commenced. By September 1, the signature total topped 90,000.

On February 26, bus loads of residents from Essex, Middle River, Dundalk and students from Sparrows Point High School journeyed to Annapolis as Rep. Long, members of the Hart-Miller Island Environmental Group and others testified before the Economic Affairs Committee in support of Senate Bill 460, to prohibit any dike at Hart-Miller, and Senate Bill 522, to insure that no dike be allowed outside of Baltimore Harbor.

Although the bills died on the floor, James B. Coulter, Natural Resources Secretary agreed to permit a four month study to compare Hart-Miller with other possible sites on March 3. A Peer Review Committee (PRC) would be appointed by Venetoulis and Coulter agreed to abide by the conclusions of the 'Referee' report.

The PRC first met on March 22 and began its exhaustive task. A month

later, on April 26, the PRC selected Roy Mann Associates of Cambridge, Massachusetts as the consultant to compare Hart-Miller with other possible sites for the disposal of spoil dredge from the Harbor.

While Roy Mann and the PRC studied, the situation continued on. On March 26, Congress appropriated funds for the Corps of Engineers to commence a two-year study of the dredge spoil disposal problem in the Baltimore Harbor. In mid-April, the Hart-Miller Island Group recommended alternative disposal sites to the Corps.

Then came that public hearing at Patterson Senior High on May 10. 1100 people were in attendance. However, many Bethlehem Steel workers were 'urged' to attend and speak in favor of the dike, with a list of the persons at the hearing being forwarded to Bethlehem's main office.

Ten days later, a dike broke at Sandy Point Park, spilling over 10,000 cubic yards of sludge into the Chesapeake Bay. For more than two days, the muck

continued to pour into the Bay. The Department of Natural Resources (DNR) said they were investigating the cause of the break. This dike had been designed by the General Services Administration and approved by DNR, the same two agencies responsible for the proposed Hart-Miller dike.

Moreover, this was not the first dike break this year. On January 21, a 20 foot high sand dike, similar in many respects to the Hart-Miller proposal, broke in Easton, Maryland, spilling thousands of gallons of muddy black water over a seven acre tract on the Eastern Shore.

But, the PRC worked on. Meanwhile, the Baltimore County Waterman's Association, the Chesapeake Bay Foundation, the U.S. Department of the Interior, the National Wildlife Federation, and others expressed reservations concerning the Hart-Miller project.

Then came the Roy Mann report, which found the dike at Hart-Miller "Unsuitable as proposed," and recommended sites in Baltimore Harbor as the best dump locations, on August 1.

Although the 450 page consultant report found the Hart-Miller site environmentally and structurally inadequate, DNR Secretary Coulter told AVENUE editor William Pacer that he thought the report was "biased," and would not withdraw the State application before the Army Corps of Engineers (THE AVENUE, August 6). Thus, Coulter went back on his work, disregarded the \$129,000 State-funded report, and continued to support the Hart-Miller concept.

On August 5, the PRC unanimously supported the Mann document, with a majority of the committee calling for Coulter's resignation because of his defiance of the consultant's recommendations.

Despite the Mann findings, the State pressed on. Area residents, elected officials, and concerned citizens turned out to voice their opposition to the Hart-Miller plan when the Maryland Board of Public Works, consisting of Governor Marvin Mandel, State Comptroller Louis Goldstein, and State Treasurer William S. James, held a public hear-

ing to consider an application from the Department of General Services for the construction of the Hart-Miller facility. However, since Treasurer James was absent from the hearing, the Board of Public Works delayed their decision until November 5.

To no one's surprise, they gave final approval to construct the Hart-Miller dike.

The following day, the U.S. Department of Interior Fish and Wildlife urged the State to identify and utilize sites within the Baltimore Harbor for disposal of dredge spoils and forego any use of upper bay locations. The Interior Department also recommended that the Corps of Engineers refuse to issue the permit for the proposed project.

Secretary Coulter decided, on December 1, to delay the State's purchase of a power plant site on the Chesapeake Bay until the Bay model, expected to be completed in a year by the Corps of Engineers, is in operation. When completed, the model is expected to show the biological consequences of various physical factors on the Bay.

With this in mind, I sent a letter to the Corps of Engineers a week later requesting them not to consider issuing a permit to the State of Maryland until the Bay model is completed and operational so that many environmental and biological questions concerning the dike area that is presently mere conjecture, may be fully examined. Just as Coulter exercised good judgement in delaying the State's purchase of the power plant site until the Bay model is finished so the effects of natural influences on the Bay may be predicted, the Corps of Engineers should use similar good judgement and delay any consideration of a permit until the effect of a dredge spoil dike can be evaluated with the model. ○



# Residents, Long, Bormel file suit against Army engineers

By Ronald DeCicco

The Hart and Miller Islands Area Environmental Group, Cong. Clarence D. Long (D., 2nd.), and concerned citizens filed a suit Monday in U.S. district court against the Army Corps of Engineers for its approval of a dike around the islands.

In an 11-count suit, the plaintiffs charge the Corps-issued permit of last November for the construction of a 52 million cubic yard dike to hold contaminated dredge material as "arbitrary, capricious and an abuse of discretion."

Citing the River and Harbor Act of 1899, the plaintiffs allege that the dike proposal must receive congressional consent before a permit is issued because the waters of the Chesapeake Bay extends across more than one state.

The plaintiffs also challenge the structural integrity of the dike, a proposed 18-foot high sand and rock structure, and charge the Corps with failing to investigate alternative sites.

In addition, the suit maintains that the Corps ignored cumulative environmental effects on an area with existing pollutant resources, such as the Back River Treatment Plant and the Bethlehem Steel Company at Sparrows Point.

Based on what they call "inaccurate and incomplete plans" for the dike, the plaintiffs charge that actual cost factors are "impossible to determine."

The suit, which has been talked

about for a year, follows on the heels of an announcement by Secretary of the Interior Cecil Andrus that his department is reviewing the Army Corps of Engineers' permit for the Hart-Miller dike.

Andrus told Long that new evidence indicated that the Corps failed to provide full information to Interior officials on the dike proposal.

"It appears that there is sufficient cause for concern with regard to the proposed dike structure to request additional analysis and information from the Corps," Andrus said.

Long, speaking before 40 residents of Dundalk and Essex and members of the environmental group at the Holiday Inn Downtown, charged that the Corps took much of its findings from the Trident-Green Report, although Allen Green of Green Associates served a prison sentence for his part in state corruption. (He was later exonerated by Gov. Marvin Mandel.)

"The Corps cannot make up its mind what the purpose of the dike is," Long said. "To contain spoil from maintenance dredging, to contain contaminated spoil from the harbor, or to contain dredging from the deepening of the harbor to 50 feet."

Long said the Corps refused to recognize the sentiments of Essex, Edgemere, Sparrows Point and Middle River residents, who live adjacent to the proposed project, and devoted most of their attention to the Port of Baltimore, 10 miles away.

Long defended the federal suit by saying it was not a frivolous action.

"It springs from the frustration by the state and the Corps of persistent and orderly efforts by citizens to get proper information and answers to significant questions about the project," he said.

Joseph Bormel, president of the environmental group, said the Corps of Engineers ignored the environmental effects of dredging a smaller, 35-foot access channel.

"All the studies on the proposed 50-foot channel were done in the 1960s, and according to the chief of planning for the Corps of Engineers, many of its findings are outdated and voided by time."

"If we don't need a 50-foot channel, we don't need a dike the size of Hart-Miller," Mr. Bormel added.

Mr. Bormel said his group had raised in the neighborhood of \$8,000 to \$9,000 for the lawsuit, but he estimated \$25,000 would be needed before it was all over.

Lawyers for the residents, Edward B. Rybczynski and Ralph K. Rothwell Jr., have indicated that the case will not go to trial until late fall.

Joining forces with the en-

vironmentalists and Long in the suit are Sen. Norman R. Stone Jr. (D., 9th) and the Maryland Wildlife Federation, Inc.

A spokesman for the plaintiffs said that County Executive Theodore G. Venetoulis has agreed to allow some county resources to be used for the project — namely, the legal, planning and zoning departments.

The defendants, in addition to the Corps of Engineers, are Clifford Alexander, secretary of the Army; Lt. Gen. John W. Morris, chief of Army engineers; and Col. G.K. Withers, Baltimore district engineer for the Army.

*Times-June 23-77*

THE ESSEX AVENUE—Page 3

## Save The Islands

A group formed for the sole purpose of preventing the destruction of Hart & Miller's Islands in the Chesapeake Bay

By L.W. Dietrich, Jr.

The final environmental impact statement regarding Hart & Miller's Islands has not been released. The final decision will be made by the Secretary of the Army due to the magnitude of this project.

The latest development regarding the project being the release of a report prepared by Roy F. Weston Associates. "The Technical and Economic Feasibility of Producing Beneficial Products from Baltimore Harbor Dredged Spoil".

The report indicates that manufacture of a lightweight ceramic building material similar to pumice rock is technically feasible. The report also provides estimates of the cost of the process and the marketability of the product. It concludes that some but not all of the dredge spoil from dredging Baltimore Harbor channel could be disposed of by this alternative.

In this regard, I would like to point out that the estimate of spoil volume is now 120 million cubic yards over the next 10 years rather than 100 million cubic yards over the next 10 years.

The report was managed jointly by the planning and solid waste services of MES. This report was partly stimulated by the interest and comments of many citizens. Copies are available upon request from MES by contacting either William Sloan or Cliff Willey, Maryland Environmental Service Tawes State Office Building, Annapolis, MD 21401



# Beall Likes Dike

Essex Times

Oct. 2

1975

In letters to the Secretary of the Army and District Engineer of the Baltimore District, Senator J. Glenn Beall, Jr. (R.-Md.) has expressed his concern over the continuing delays with the Baltimore Harbor Dredging project.

Beall, in correspondence with Martin R. Hoffman and Col. Robert S. McGarry, says that the time has come to move on the project which

was first initiated by a Congressional study 17 years ago. Authorization for the dredging project was included in the Rivers and Harbors Act of 1970. The measure approves the dredging of the Harbor from 42 to 50 feet depths.

Beall says the need for the dredging project is obvious. "Without the dredging," writes Beall, "the Port of Baltimore will undergo a

gradual strangulation as the result of the inability of many large cargo carriers to navigate the Harbor channels. We need to deepen the Baltimore Harbor, and we need to do it now."

"The environment need not be sacrificed in achieving this goal," says Beall. "It is my sincere belief that the Hart and Miller Islands dike proposal submitted by the Maryland Department of

Natural Resources offers an exceptional opportunity to improve our economy, create an outstanding water-related recreational park and, at the same time, preserve the surrounding environment."

Beall is calling for a quick and favorable decision on the Hart and Miller Islands proposal so that planning for the deepening of the Harbor can proceed without delay.

10A ★ Monday, Sept. 15, 1975

## A Decision Needed

WHEN IT COMES to a decision on Baltimore's port shipping lanes, Gov. Mandel wants speed.

The Governor and other members of the state Board of Public Works have set a hearing Sept. 22 to settle the controversial issue of where to dump materials to be dredged from the partially-clogged port channels.

The state, of course, is not the only agency involved. But Gov. Mandel says he is hopeful that the state's speedy action will spur similar promptness on the federal level by the U.S. Army Corps of Engineers, which must also give the green light before any dredging operation can begin.

At the core of the controversy is the proposal to build a diked disposal area at Hart and Miller Islands.

Persons who live near the islands don't like the dumping plan, maintaining that the harbor-bottom dredging will be highly polluted. They also say the dike might leak, allowing polluted materials to drift downstream and contaminate Chesapeake Bay shellfish beds.

But there is a solid body of opinion supporting the Hart-Miller project. The dike, the proponents say, will be safe. They maintain it is the best site available. And immediate dredging of the clogged harbor channels, they say, is vital because many ships cannot call at Baltimore with full cargo loads. They ride too far down in the water with full loads, and drag on the silt-shal-lowed channel bottom.

It seems clear that the speed for which Gov. Mandel is calling is mandatory. Quick dredging is vital to the future of the port, and Hart-Miller seems like the obvious answer.

## Hart, Miller Owner Seeks Bulkheading

Essex Times 3-14-1974

Both Congressman Clarence D. Long and members of the North Point Peninsula Coordinating Council have sent requests to the Baltimore district Army Corps of Engineers for a public hearing on the proposed bulkheading of the controversial Hart and Miller Islands.

C.J. Langenfelter and Sons, Inc., of 8427 Pulaski Highway, and the present owners of two islands located between Back and Middle Rivers, is asking the Army Engineers to allow them to build a 12,600-foot stone and oyster shell bulkhead on the two islands.

The Army Engineers do not schedule public hearings on these cases unless there is sufficient public concern over the proposals. This is the reason the congressman and the coordinating council members sent written requests for the hearing.

The deadline for area residents to request the public hearing is Thursday, March 21, and they should be sent to: John P. O'Hagan, district engineer, Baltimore district, Army Corps of Engineers, P.O. Box 1715, Baltimore, 21203.

The two islands has been the object of controversy for the past three years when plans to build a dike over the two islands and fill it with sludge

dredged from the Baltimore Harbor were first proposed. So far, the residents have been successful in delaying approval of the dike plans.

The North Point Peninsula Coordinating Council president, Mrs. Virginia Tolbert, explained at the group's meeting last week that the council was worried about traffic through the Edgemere community and how the firm would take the materials over to the two islands.

Both the council and Congressman Long said they were concerned with the owner's plans to use the islands for "light industrial and commercial development."

"This is contrary to everything we have been promised about the future of Hart and Miller Islands," remarked the congressman.

"We need to know whether the application means the state has given up its plans to build its sludge disposal dike, or whether this is a move to get a higher purchase price for the islands when the state buys them," he said.

The Army Corps of Engineers is still working on another environmental impact statement for the state's proposal to use Hart and Miller Islands as a dike to hold sludge from the Harbor dredging.



# Anti-dike Group Urges 'Mass Turnout' For Meeting

A call for a "mass turnout" at the last meeting on proposed sludge dike on Hart and Millers Islands was issued last Friday to the residents of the Dundalk - Edgemere and Essex - Middle River areas.

Al Clasing, president of the Hart and Millers Island Area Environmental Group, is also asking all organizations which normally meet Tuesday nights to come to the dike meeting instead. The meeting is scheduled for Tuesday, March 7, 8 p.m., at the Eastern Vocational - Technical High School on Mace Avenue.

The Hart and Millers Islands Area Environmental Group has been holding meetings for the past three months in the Dundalk and Essex areas in an attempt to fight the proposed riprap dike on the two islands at the mouth of Back River. The 1,100-acre dike, if approved, will hold 54 million cubic yards of sludge dredged from the Baltimore Harbor. But, if the dike is extended to Pleasure Island, the dike will cover over 2,000 acres in the Chesapeake Bay and will hold 100 million cubic yards of sludge.

In a statement released this past Saturday, a state advisory committee studying the future uses of the land created by the dike recommended that land should be developed as a recreational facility, a state park.

The advisory report was submitted to George R. Lewis, secretary of the Maryland Department of General Services.

But, Sixth District State Senator Norman R. Stone, Jr., who is urging that the dike site be changed to the Patapsco River mouth, called the advisory report propaganda and said that the committee's recommendation of recreational use may not be undertaken 20 to 30 years from now when the sludge in the dike settles.

Mr. Lewis, whose department would have the responsibility of constructing the disposal area, appointed the advisory committee in August.

He asked the membership to study what ultimate use should be made of Hart and Miller Islands and any new land created by the placement of dredged material in a diked enclosure.

The committee membership was made up of representatives of the county executive of Baltimore County, the mayor of Baltimore City, the Department of State Planning, the Department of Economic and Community Development, the State Department of Transportation (Maryland Port Administration), the Department of Natural Resources, the Department of General Services and its consultants, and the Regional Planning Council.

Chairman of the committee is Paul R. Farragut, representative of James B. Coulter, secretary of Natural Resources.

The proposed diked disposal facility would be a potato shaped area of about 1100 acres on the east side of the islands which are located in the Chesapeake Bay near the mouth of Back River.

It would be nearly two miles long and extend approximately one mile into the Bay.

In 1969, the General Assembly appropriated \$13 million for construction

of a facility where material dredged to deepen the Port of Baltimore channel and other port improvements could be disposed of without freeing pollutants into state waters. Several legislators said, though, they thought the bill was for the dredging of Back River.

In the past, dredged materials have been disposed of by dumping in open waters, a practice harmful to the aquatic environment and no longer an acceptable practice.

Further, disposal areas off Kent Island and the Poole's Island Deep already are nearing capacity, the release read.

Present plans of the facility call for sand dikes, reinforced by riprap, extending 18 feet above the water surface. Thickness of the dikes would range from as much as 160 feet at the bottom to 18 feet at the top.

Construction of the first phase would create a land area of 1,100 acres and holding 54 million cubic yards of material. A second phase, calling for another 1,000 acres and 46 million cubic

yard capacity was recommended by the consultants.

It was the islands themselves and the first phase on which the committee reported Saturday.

The committee said they envisioned the islands as a bayshore park, a "tremendous asset" to help satisfy the enormous demand for water-oriented recreational use and open space along the Bay shoreline.

The report said:

"There are few large, undeveloped tracts of land available for recreation use along the 830 mile shoreline of Baltimore City, Harford, Baltimore and Anne Arundel Counties. The Hart-Miller Island complex will create, through the construction of a diked disposal area, shoreline which could be available to satisfy present deficiencies of public shoreline in the heavily populated Baltimore Metropolitan Area. The site also has excellent water quality, an absence of sea nettles and other natural features which are valuable from a park use point of view."

The committee rejected use of the land for industrial or residential

purposes, citing both citizen and governmental desire that it be used for recreation.

Other recommendations by the committee included:

1. Moving the dike from its present proposed location on the center of the islands to the Bay side beach area so that most of the islands' large trees and wetlands would be undisturbed.

2. A request for funds at this session of the General Assembly to improve the beaches on the Back River side of the islands to increase swimming opportunities and by placement of groins to reduce erosion.

In 1933, for example, the area of Hart and Miller Islands was approximately 200 acres. According to a 1968 survey, the acreage had been cut to 127 acres.

3. A request that the State Board of Public Works designate the area as a state park.

As to the second 1,000 acres, the majority of committee members suggested they be used for recreation also, but it was decided to study that situation later.

If present plans are followed, it is expected the first diked-in area, the 1,100 acres, would be filled in 10 years at the earliest and 3 to 7 years of settling would be required before full park development could begin.

*Times 2-1-72*

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# Hart/Miller Island Battle To Enter

## The Courtroom

by William Pacer

Six Essex residents, Congressman Clarence D. Long, State Senator Norman Stone, the Maryland Wildlife Federation, and the Hart/Miller Islands Area Environmental Group have filed suit in United States District Court seeking to have the Army Corps of Engineers withdraw their permit of construction of a spoil disposal dike at Hart and Miller Islands.

The eleven count legal action follows on the heels of the announcement that the Secretary of the Interior, Cecil Andrus, is reviewing his Department's previous acquiescence to the granting of the permit.

"Having exhausted every avenue of objection, we are

obliged to go to court to challenge the Corps of Engineers' justification in approving a permit," stated Joseph Bormel, president of the Hart and Miller Islands Area Environmental Group on Mon-

day, June 20, a few minutes prior to the filing of the suit.

The proposed dike at Hart and Miller Islands, under present configurations, would be built on the Bayward side and encompass 1100 acres. The containment facility would be able to hold approximately 52 million cubic yards of harbor bottom.

The State of Maryland applied for a Department of the Army permit on February 23, 1972, and the Corps of Engineers officially issued the permit on November 22, 1976. The State is now in court trying to purchase, via condemnation procedures, the affected islands which are owned by the general contracting firm of C. J. Langenfelder and Son.

The suit filed Monday on behalf of Essexites John Henderson, Howard Sappington, George Wohllenben, Robert Scott, Margaret Caldwell, and Charles Justice, questions the

legality of the Corps' permit without Congressional approval, in apparent contradiction to the River and Harbor Act of 1899.

In addition, the plaintiffs allege the defendants, the Corps of Engineers, Army Secretary Clifford Alexander, Chief Engineer Lt. Gen. John W. Morris, and Baltimore District Engineer Col. G. K. Withers, failed to fully consider integrity of the dike, alternative uses of dredge spoil, environmental effects, local law compliance, and cost analysis.

They further charge the Corps of Engineers obtained "from the Department of the Interior an approval of the permit based on an inaccurate assessment of the environmental impact of the project."

The United States Fish and Wildlife Service, an agency of the Department of the Interior, has been a constant opponent to the spoil facility. A Memorandum of Understanding, dated July 13, 1967, existing between the Secretary of the Army and the Secretary of the Interior "effectively creates a partnership of the Department of the Interior and the Corps of Engineers in analyzing matters dealing with environmental effects of activities in the Corps' jurisdiction. The plaintiffs claim the defendants have acted in bad faith to circumvent this agreement.

The numerous resolutions by the Baltimore County Coun-

cil stating the local legislators' opposition to the dike plays a significant part in Count Six. This article claims the Corps cannot issue a permit when local authorization has been denied. The islands in question are zoned for agricultural use and a special exemption would have to be granted by the Baltimore County Zoning Commissioner.

Last Thursday it was revealed Interior Secretary Cecil Andrus is reconsidering his Department's stance on the issue. "In this case," stated Andrus, "it appears there is sufficient cause for concern, with regard to the proposed dike structure, to request additional analysis and information from the Corps."

He added, "Should new evidence or information be forthcoming which indicates substantially greater environmental risk and damage than

this Department assumed in its previous review of the Hart and Miller Dike Proposal, we would seriously reconsider the present Department position."

If the environmentalists have to exhaust every form of appeal in their effort to overturn the permit, the court action could cost in excess of \$25,000. The plaintiffs are being represented in court by Attorneys Edward B. Rybczynski and Ralph Rothwell.

Rybczynski, a long-time opponent to the dike, noted, "Within two weeks, twelve Federal attorneys representing the defendants will be opposing us. More briefs will have to be filed. We hope to enter court in November."

He added, "I think we have a great chance of winning. We have a strong case."

Congressman Clarence D. Long said bluntly, "This is the wrong dike in the wrong place at the wrong time."



# Letters

*Ans - 8-27-75*

Dear Sir:

Well, glory be and the saints be praised!

It was thought impossible, but it is a fact—a very pleasant and refreshing one indeed. An unexpected and truly independent report on Hart-Miller has been submitted by Mann Associates, much to the consternation and obvious chagrin of the worthy consortium of Coulter, Langenfelder and B.S. Inc. (B. S. stands for Bethlehem Steel, not what you probably thought.)

In the report, Mann Assoc. recommended, against Hart-Miller as a site for dumping the dredged Harbor spoil. To disinterested parties, this was not surprising since no really serious attention had ever been paid by the power to any site other than Hart-Miller.

After publically stating that he would abide by the Mann recommendations, Coulter now finds himself in a somewhat discomforting position, to wit, his fanny is firmly fixed in a very hot seat, and predictably, he is already waffling. What a truly impressive display of devotion to the public will on the part of an agency created to protect our natural resources!

At the very least, however, the Mann report does place a very long lever in the hands of those who would preserve Hart-Miller in its present delightful condition for the perennial enjoyment of those innumerable Baltimore Countians (and others) who have discovered the pleasure, beauty, and relaxation available there.

It is now up to Mr. Bormel, Rep. Long and all those rallying around them fully to exploit this advantage and perhaps just perhaps, this once, the forces of special privilege represented by C., L., and B.S. Inc., will be handed a resounding defeat. In this most worthy endeavor we wish them the very best of luck! *o*

Arv Vincent

*above Hart/Miller Dec. 30 1976*  
As we enter another year in the battle to halt the proposed dike at Hart and Miller Islands, the opponents to the 54 million cubic yard dredge spoil dump have received valuable extra time from an unwitting ally, C.J. Langenfelder & Son, Inc., the general contractor which owns the islands.

Unsatisfied with the monetary offer from the State of Maryland, the corporation has asked the courts to set a fair market price. These legal procedures may take a year or more to resolve. In the interim, the Hart and Miller Islands Area Environmental Group has the opportunity to fight the entire concept in the Halls of Justice.

As 1976 draws to a close, the dike fighters are in the midst of a hard fought campaign. With the start of the new year, the battle continues. The combat has left the offices of the executive branch and has entered the hallowed chambers of American justice.

If the courts fail to give satisfaction, the only alternative the anti-dike people have is to ask a man named Jimmy Carter to intervene. HMIAEG President Joseph Bormel has already written the President elect advising him of the problem. *o*

## State Approves Island Dump

*Jefferson 11-13-75*  
The five-year-old proposal to use Hart and Miller Islands, at the mouth of Back River, as a dumping ground for 54 million cubic yards of sludge and other contaminated material to be dredged from the bottom of Chesapeake Bay, has been approved by the Maryland Board of Public Works.

Members of the board are Gov. Marvin Mandel, State Comptroller Louis L. Goldstein and State Treasurer William S. James.

The governor was to submit a letter to the U. S. Army Corps of Engineers requesting prompt action on the Board of Public Works' approval.

The ultimate decision on the project must be made by the secretary of the Army. He will issue his ruling after consulting with the Bureau of Sports Fishing and Wildlife of the Interior Department and the National Marine Fisheries. Both of these agencies oppose the project.

James B. Coulter, Maryland's secretary of natural resources, said in August that construction of the impoundment area could begin by this winter.

*Continued from Page 17*  
Col. Robert S. McGarry, commandant of the Corps of Engineers' local office, indicated, following the approval by the Board of Public Works, that a decision on the project might not be made until next spring.

Purpose of the project is to deepen and widen the channel into Baltimore harbor to permit deep draft vessels to use our port.

Mr. Coulter said that the delay in finding a disposal site for the dredged material has already cost the port more than \$30 million, revenue that was lost on account of the rapid silting of the shipping lanes, prohibiting their passage by large vessels. *1*



# DNR's Coulter, Dike Opponents Clash Over Findings

Times - Aug 7 - 75

By Mike Dunbar

James Coulter, Secretary of the Department of Natural Resources, indicated Tuesday he may ignore recommendations of a State funded report ranking the Hart Miller spoil disposal site "unsuitable as proposed."

If he rejects the recommendations of Roy Mann

Associates, Mr. Coulter would be contradicting earlier promises to "go along" with the report.

Monday morning Mr. Coulter said his department was "digesting" different parts of the reports. But by Tuesday afternoon, after a morning meeting with The Peer Group Committee Mr. Coulter had already made

some rather decisive evaluations. He said that the recommended inner harbor sites did not provide adequate space for the projected 20 years worth of dredge spoils and were to be ruled out.

The report ranked the site as only the third most desirable among a possible ten sites for the dumping. It stressed above the Islands site two in the inner harbor, saying they would have less damaging impact on the area.

The report also cited at least eight reservations it had with the Hart Miller Island site as proposed.

The report favors two already identified inner harbor sites above Hart Miller, and alluded to more unidentified inner harbor sites for dumping.

Both Colgate Creek and Sollers Point were seen as more desirable for sludge dumping.

Representative Clarence D. Long said, "I think this demonstrates pretty well that the state has not given us a sound engineering or environmental proposal and it leads us to believe that it was basically a real estate deal all along.... I think the governor should fire Secretary Coulter and get somebody who has some integrity."

Congressman Long was not the only local person calling for the dismissal of Secretary Coulter. Joe Bormel, President of one of the groups striving to save the islands, and a member of the peer review group, echoed the Congressman's sentiment.

"Basically it is in our favor and it has knocked the pins out from under Coulter.... He said that if the group came up with any other recommendation he would drop the whole Hart Miller idea, but now he's trying to squirm out of it," he said.

"If I were the governor I would fire James Coulter

(Continued to Page A-4)

tomorrow. No, today. Imagine spending all that time and money to prove this thing and now the group has come out and said Hart Miller is unacceptable," Mr. Bormel said.

Mr. Coulter says that the report recommends two sites not providing adequate space for the proposed total of dredge spoils in the next 20 years. He says the Hart Miller site is the only alternative that offers what he considers necessary space.

In denying credence to the report Mr. Coulter is apparently contradicting his own words of only six months ago when the peer group appointed the Roy Mann Associates to conduct the study.

At that time Mr. Coulter said he would abide by whatever the consultants found, since they were being paid with \$130,000 of state money.

Other local politicians have been heard from on the subject of the Mann Report. State Senator Norman Stone

said, "I think it's wonderful. It's just exactly what everybody has been saying for years.... It's obvious to me that Mr. Coulter has set his sites on Hart Miller Island come heck or highwater. I've never seen such a one track mind."

Mr. Coulter began taking cracks at the report the first day it was released, "I don't know if we got the state's money's worth or not, but we sure got a lot for our money," he said in reference to the bulky 450 page report.

In the Monday morning interview he pointed out two detailed areas the Mann group had pin pointed as inadequate in the DNR Hart-Miller proposal.

"One, they prefer inner harbor sites," Mr. Coulter said. He discounted their arguments in favor of inner harbor sites saying the sites weren't big enough and that those sites had always been "reserved for private dredging projects."

"Their second point is that the design of the Hart Miller site is not adequate to protect us from a storm that will occur once in 15 years." Mr. Coulter then pointed out that such a storm would be most dangerous in the initial stages of the dike construction and filling. He also said that such a storm has not occurred in the past 20 years.

Mr. Coulter pointed out that of the sites outside of the harbor, Hart Miller Island was ranked as the most desirable. Therefore he said the site was still very much in contention.

When asked if he would withdraw the State's application for a permit with the Army Corp of Engineers, Mr. Coulter replied, "It's not my application. The applicant is Mr. George Lewis."

According to Colonel Graham Norton, in command of the Army Corp of Engineers while Col. Robert McGarry is on vacation, the decision on the permit application will not be made until September 1, at the earliest.

"It (the report) certainly is going to carry a significant amount of weight because it is by a reputable disinterested party."

Col. Norton pointed out that any interested party and the DNR could submit further "pertinent" information up to the day of the decision.

Col. Norton also noted Secretary Coulter's previous statements, "His argument was that if it (the Mann Report) found a better solution he would go along with it."

In the meantime Congressman Long and others, do not see secretary's Coulter's urgency, nor the need for a "huge" containment site.

In a recent "Baltimore Sun" article it was pointed out that the 50 foot draft super tankers are quickly becoming obsolete. The necessity for a 50 foot channel could be diminished. If only maintenance dredging were performed in the harbor then there would not be as much spoil to dispose of, pointed out Mr. Bormel, and there would not be the need of a large containment area.

Rep. Long said he would work within his committee, the House Appropriations Committee, to see that federal funding for a 50 foot dredging project was never granted.

"If they had gotten away with this -- and they very nearly did -- we would have had a foul, stinking, mess out there for the next 20 years," Congressman Long said. ☐



# Area Residents Voice Final Outcry Over Hart, Millers Islands Dike

BY WAYNE GARNER

For the second time in ten days, Dundalk-Edgemere-Essex residents protested last Thursday the construction of the proposed harbor dredged spoil dike on Hart and Millers Islands, but maybe for the last time.

Last Thursday's hearing will before the state's two-man Wetlands Commission, Lawrence Goldstein and Andrew Heubeck, which will recommend approval or disapproval of the dike to the state board of public works comprised of the governor, comptroller and treasurer. The hearing was in the Towson County Office Building.

The first hearing was held April 17 in Essex by the state Department of Natural Resources, and the recommendation resulting from this hearing made by James B. Coulter last Thursday was in favor of building the dike but with certain restrictions.

The feelings of the local residents against the dike stressed throughout the hearing were exemplified by Sixth District State Senator Norman R. Stone, Jr., and Joseph Bormel, chairman of the Comptroller's Harbor Pollution Committee, that the Hart and Millers Islands site for the dike was pre-determined because the other sites throughout the Chesapeake Bay area were not thoroughly studied, and as Mr. Bormel told the two-man commission the residents feel "the state is railroading the project through without the residents' feelings even considered." Senator Stone told the commission that the area residents are insulted over the sewage treatment plant and industrial pollution and they do not want another problem created by government, and he warned all governmental representatives including himself that "if we don't start listening to the people, the people will get others that will." Both men called for a re-evaluation of other possible dike sites.

Although the state experts said the two-island dike, which will only contain 52 million cubic yards of dredged spoil of the needed 100 million cubic yards of dredging to be done in order to deepen the harbor channel, said it would not harm the ecology and tidal flushing of the area, many residents last Thursday the extension of the dike to Pleasure Island south of the other two which would just about cover the mouth of Back River.

And, one of the state's experts, Dr. D. W. Pritchard, of the Chesapeake Bay Institute, admitted that extension to Pleasure Island would effect the river's flushing action but not appreciably.

To the surprise of many residents at the hearing who said they thought the original plans called for the dike to spread to the Bethlehem Steel-owned Pleasure Island, Joseph A. Manning,

the department of natural resource deputy secretary, said he was "totally opposed" to the Pleasure Island extension and explained that the state plans to buy this third island and create a state park.

Hart and Millers Islands are owned by C. J. Langenfelder and Son, and the firm is asking \$10,000 per acre for the land, but George Lewis, the Department of General Services secretary, said the state plans to condemn the land if the dike is approved at the highest appraisal of \$500 per acre.

Natural Resources Secretary James Coulter, who committed the future 1,127 acres of new land created by the diking to recreational use only, said he favored the dike construction only under these conditions:

1. When dredged materials are transferred from the transporting vessel to the containment by hydraulic means, all water used to produce the slurry inside the dike be withdrawn from and returned to the containment.

2. An advisory board be appointed by the governor to continuously monitor the construction and operation and to evaluate and recommend corrective measures.

3. Appoint an inspector to keep a surveillance of the construction and operation and stop the operation before any environmental damage is done.

4. A constant sampling of the water quality be frequently taken and the results given to the advisory board.

5. The recreational use of the future land be planned by the advisory board and submitted to the general assembly for adoption and funding.

6. Design of the dike and its operation be so as to allow the public the use of the two islands.

7. A constant surveillance of the water quality of water returning through the three planned sluice gates during this stage of the operation.

If approved, the dike will be potato-shaped running two miles long and one mile wide from the Bay side of the two islands. The construction firm will dredge the sand from the bottom within the diking area and build an 18-foot sand wall and then place large rocks on the outside face of this wall. When completed, barges will carry dredged spoil, which several state officials said may also come from the possible dredging of Back River, to the outer Bay side of the dike where the spoil will be pumped inside the dike.

Besides the diking area taking away 1,127 acres of boating water and recreational area, Bill Cooper, of the Hart and Millers Islands Area Environmental Group, told the Wetlands Commission that he feared the rock riprap will be a navigational hazard at night for the 8,289 boats in the

area and also eliminates a shelter area for boats trying to beat storms.

Others feared as Mrs. Virginia Tolbert, of the North Point Peninsula Community Coordinating Council, did that if the rocks are carried to the dike site by trucks, it will be a safety hazard to school children and motorists along the narrow, side-walkless roads through the Edgemere area.

The stability of the sand and rock dike was also feared in hurricanes as Robert Cochran, of Barrison Point in Essex explained, that if a hurricane could rip the inlet through Ocean City, a dike will not withstand it.

Baltimore County Executive Dale Anderson just received answers to questions he asked about the dike only

a few days before the hearing, but he plans to send his recommendation to the Wetlands Commission as soon as possible.

Congressman Clarence D. Long, who has collected over 5,000 signatures asking for a third Army Corps of Engineers hearing and vowed continued resistance to the dike construction, and his Democratic opponent in the second district congressional election May 16, State Senator Rosalie Silber Abrams (D., City, 5th) both testified against allowing the dike construction.



# Long Vows To Stop Dike After Craney Island Tour

APR 6 1972

ESSEX TIMES

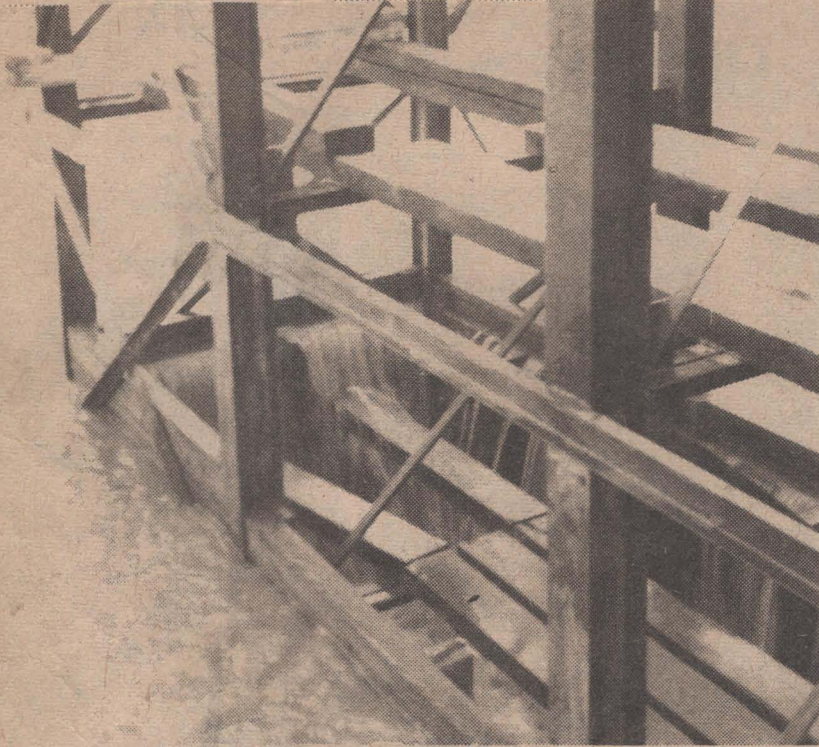


APR 6 1972  
ESSEX TIMES  
**Settling**

**Down**

Congressman Clarence Long (left) and a reporter walk on a portion of the Craney Island dike that has been settling for two years. This portion of the dike is the west corner near the residential area, and the photograph was taken looking out over the dike area from atop a ten-foot sand ridge. The Army Corps of Engineers officials there said that a local bird watchers have listed

over 200 species that come to the dike in its present state. The Craney Island dike dredging pipes were placed at different sites around the dike, and to section the dike and fill one section at a time would cost about \$2 million each. Plans for the dike were installed in 1952, but the dike was completed until 1956, and it is not expected to be filled with 125 million cubic yards of spoil until 1978.



APR 6 1972  
ESSEX TIMES  
**Filtering  
Water**

There are three sluice gates at the Craney Island diked spoil operation that filters the water returning to the James River outside the dike. The Army Corps of Engineers claim that the water is tested periodically and that the tests prove the returning water is not contaminated, but Congressman Clarence Long brought Johan Aalto, of the U.S. environmental protection agency, on last week's tour to take samples of the water and test it.

BY WAYNE GARNER

Congressman Clarence D. Long flew to Craney Island, Virginia, last Thursday to inspect the dredged spoil diked operation and listen to the feelings about the dike of neighboring homeowners, and afterwards vowed to stop the Hart and Millers Islands' proposal.

After touring the dike and listening to the residents, Congressman Long called the Craney Island dike too "desolate" looking for the recreational area surrounding Hart and Millers Islands and said the dike would be more suitable in the industrialized Curtis Bay area that is similar to the harbor surroundings at Craney Island except for the one street of houses. He warned Governor Mandel that if the state goes ahead with the dike construction at Hart and Millers Islands, he would do everything he could to



oppose the funding of the Army Corps of Engineers' dredging in Congress.

When Representative Long landed at the Craney Island dike at the mouth of the Norfolk harbor Thursday afternoon, he was met by a former congressman from that Virginia district, Porter Hardy, who once served with him in the House of Representatives. Mr. Hardy, who was a congressman at the time the dike was started in 1952, told his former colleague that the Virginia residents have "mixed reactions" over the dike operation. He said many of the residents complain of odor from the dike, which has been described by state engineers as similar to the dike operation proposed on Hart and Millers Islands, when a northeast wind blows across the dike onto the shore for one or two days after the spoil is dumped into the containment area.

The Army Corps of Engineers operation under Col. James H. Tormey at the Craney Island dike is nearing its 125 million cubic yards capacity. The dike at present holds 100 million cubic yards of spoil, and the Army expects to fill the dike by 1978, 22 years since the dredging began in 1956. The dike juts out from the shoreline into the James River at the mouth of the Norfolk harbor for two miles and is two miles wide, a total of four square miles.

From the shore, all that is seen are the two miles of rock rip rap, a paved roadway used constantly by dump trucks, and a ten-foot high wall of sand that was dumped as a safety factor for possible overflow. Relatively flat, the dike slopes from east (harbor side) to west (residential side) from a 15-foot level to 10-foot. The proposed Hart and Millers Islands dike will have a 20 percent slope from sealevel to 18 feet. Most of the dredging operation is done by pipe at Craney Island whereas the proposed operation here is by barge, which is only used there for short distance dredging.

After the sludge and water are poured from the pipe into the dike containment, the sludge settles and the water flows toward three sluice gates on the west side of the dike. The sluice gates are supposed to filter out the contaminants in the water as it returns to the James River. The inside of the dike looks similar to the scene at the

Back River bridge on Eastern Boulevard when the tide is out and a strong wind is blowing, but instead of a dark brown color the sludge is grayish.

The only odor that could be detected during the five-hour dike tour was the usual waterfront smell, but a dozen or so neighboring residents, who met with the congressman at the home of John Tuttle, president of the River Shore



**Congressman Clarence Long** photographs one of the sluice gate outlets to the James River during last week's tour of the Craney Island dike. Residents complained that the added water increased the water level and ruined beaches.

Road Civic League, complained of a strong odor during the summertime from drying sea lettuce that they said is more abundant now than before the dike, a problem with flies around the homes closer to the dike operation, the noise of oyster shells banging late at night through the dredging pipes during the 24-hour operation, and the lack of spawning fish around the dike although they admitted catching some large fish and the once abundant soft-shell crabs. Another problem that one Army Corps of Engineers official pointed out was that the sand when dry is blown all over the dike area.

Although most of the neighboring residents built their homes after the dike was constructed, one old man at the meeting, Charles F. Brock, who lived on a farm there before the dike

The state is proposing to build the first phase of a diked spoil containment area to hold 52 million cubic yards of sludge dredged from the harbor on Hart Island (background) and Millers Island (foreground) creating 1,130 acres of land over the Bay area at left that is used by many boaters.

was built and moved out soon after it was started, claimed that the "L" shape of the dike jutting into the James River caused the water level on the west shoreline where the residents live to rise wiping out all of the beach area lined with pine trees that was once there. The lack of water circulation "makes a cesspool out of it," remarked the elderly man. Although the proposed dike on Hart and Millers Islands would not trap the water as the residents claim the "L" of the dike at Craney Island does, residents here have expressed concern over blocking the flow into Back River since the entire expected Hart, Millers, Pleasure Islands dike would cover most of the mouth of Back River, and the state has not built a Bay model of the dike proving differently.

Many of the Craney Island residents explained that they built there because they were given a "pretty picture" about the dike operation also.

There will be two public hearings on the Hart and Millers Island proposal: one will be April 17, 7:30 p.m., at Stemmers Run Junior High School, Eastern Boulevard and Stemmers Run Road, and another on April 27, 10 a.m., at the county office building in Towson. Congressman Long is also collecting petitions to call for a third hearing before the Army Corps of Engineers approves the proposal.



Dear Sir: 153

The Hart-Miller Islands Defense Fund, initiated to prevent construction of an unsuitable sand dike in open water of the Chesapeake Bay, has received contributions from as far north as Boston, Massachusetts and as far south as Louisville, Kentucky.

These acknowledgements the part of concerned citizens outside the Bay area are a tribute to the efforts of a group of dedicated protectors of our State's most important natural resource.

As we prepare to challenge in court the trade-off of two square miles of clean Bay water for two square miles of polluted, infertile and highly questionable land, we are asking our fellow citizens for support to protect the Chesapeake Bay from further degradation.

A dike at Hart-Miller Islands will change the residential character of the area, create a hazard to more than 10,000 recreational boatmen, and not solve the long-range

dredge material problems of the Bay.

Show you care enough. Address a donation in any amount to: Hart-Miller Defense Fund, P.O. Box 7906, Essex, Maryland 21221. And attend the Hart-Miller Oyster and Bull Roast on Sunday, March 20, from 1 to 6 PM at the Steelworkers Hall, 540 Dundalk Avenue (near Eastern Avenue). Donations are \$10 per person. For ticket information call 342-5845 or 686-6998.

*And Feb 77*  
Sincerely,  
Joseph Bormel

## Council Backs Hart-Miller Island Suit

The Baltimore County Council passed a resolution last Monday urging County Executive Theodore Venetoulis to have the County join the Hart-Miller Island Area Environmental Group suit aimed at blocking construction of the proposed dredge spoil facility.

The measure, introduced by Councilman John O'Rourke, was passed by an overwhelming vote of 6-0. Councilman Clarence Ritter abstained from casting his ballot on the issue.

"I just wanted the people of Baltimore County to know the Council opposes the Hart-Miller dike," stated Councilman O'Rourke. "In addition, we have asked the County Executive to support the legal moves being taken by the Hart-Miller opponents to stop the dike."

Although he refused to call the resolution premature, County Solicitor Carroll Høltzer noted, "I advised the County Council that they should know what

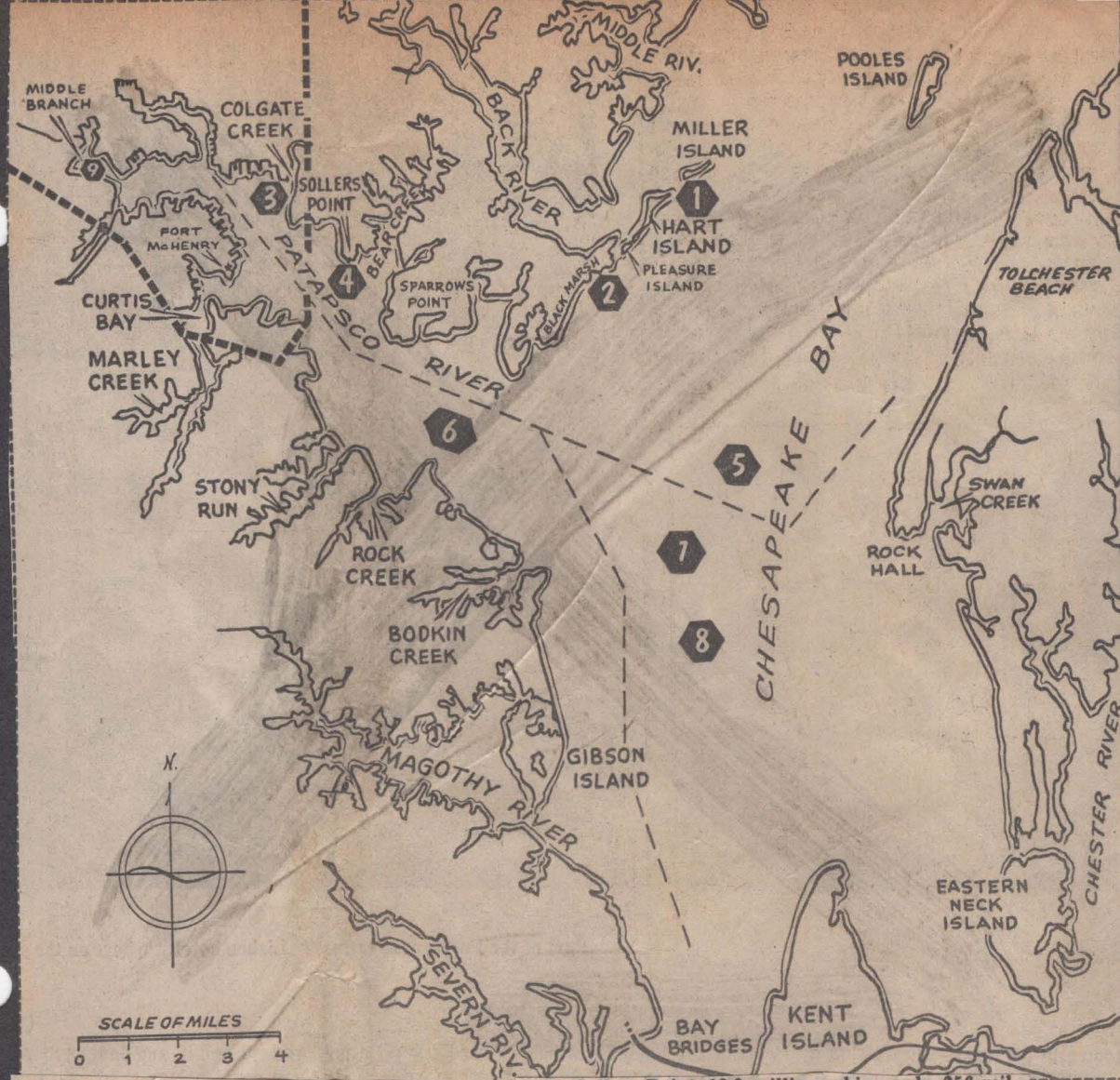
they are joining and know all of the ramifications before we enter into the suit. We should review the pleadings and legal papers and know our financial liability. It is not my prerogative to say yes or no whether the resolution should be adopted."

He continued, "The Council expressed its concern for the issue. However, before we become a party to the litigation, I want to see the basic pleadings."

Joseph Bormel, president of the Hart-Miller Island Area Environmental Group, indicated he was merely looking for County support in the legal maneuvers and did not expect any financial assistance from County coffers.

In a related development, the State of Maryland has gone to court seeking to condemn the islands owned by C.J. Langenfelter and Son, a general contracting firm. The haggling occurred when Langenfelter refused the State's purchase offer.





The map shows sites considered by consultants as offering the greatest potential for a diked disposal area to hold Baltimore harbor's dredge spoil. Obviously, any facility built in the water will affect the bottom sediments, the water column around it and the plant and animal life within that construction area. In cases where the facility is anchored to fastland, some wetlands are most likely affected. Areas shown are all suitable for diking or bulkheading and available because of government ownership or through implied right of condemnation. Consultants hired by the state, and the Army Corps of Engineers, have compiled the relative advantages and disadvantages of these sites. Their findings, the estimated capacities of each location and estimated costs follow. The dotted line represents the main harbor shipping channels.

1. Hart and Miller islands: 52 million cubic yards; \$33.4 million. Advantages—low cost; no interference with navigation; protection of eroding islands; not near oyster beds. Disadvantages—disturbance of fish feeding area; interference with sport fishing and boating; physical force on dike.

2. Black Marsh: 41 million or 77 million cubic yards; \$53.8 million. Advantages—good accessibility; not near shellfish beds or boat traffic; low value wetland. Disadvantages—Possible interference with Susquehanna Flats fish feeding and spawning grounds; good non-commercial crabbing in area; north end of marsh populated; Mann consultants say it needs new design to reduce environmental impact.

3. Colgate Creek: 5 million cubic yards; \$50 million. Advantages—nearest dredging sites; low environmental impact and interference with recreation. Disadvantages—high cost; small capacity; requires bulkheading.

4. Solters Point: 13.9 million cubic yards; \$56 million. Advantages—Same as Colgate Creek. Disadvantages—high cost, small capacity; bulkheading needed; possible nuisance to residents of area.

5. Man O War Shoals: 75 to 100 million cubic yards; \$240.6 million. Advantages—no wildlife or wetlands; already polluted from dumping; accessible. Disadvantages—expensive; near oyster beds; possible disturbance with water currents and navigation; significant depth of muck on which to anchor dike; Mann says clearly unsuitable.

6. Patapsco River Mouth: 75 to 100 million cubic yards; \$205.8 million. Advantages—no wildlife or wetlands; near dredging; already polluted. Disadvantages—high cost; hindrance to boating; possible navigation obstruction; interferes with current flow; flooding impact; depth of bottom muck significant; Mann says not recommended.

7. Six-7-9 Foot Knolls: 100 to 250 million cubic yards; \$296.8 million. Advantages—already polluted from dumping; state ownership; sand and shell at site could reduce construction costs. Disadvantages—expensive; interferes with sport fishing; atop polluted oyster bed that could be reclaimed; could promote shoaling and more frequent dredging; depth of muck prohibitive; significant displacement of water column; Mann says unsuitable.

8. Belvidere Shoals: 100 to 150 million cubic yards; \$196.5 million. Advantages—no interference with navigation, shell available to reduce building costs; accessible. Disadvantages—in oyster beds; hurricane exposure factor; residential objectors; sport fishing interference; Mann says unsuitable.

9. Middle Branch: 2 million cubic yards; \$26 million. Advantages—minimal environmental impact; no interference with navigation; close to dredging. Dis-

—Edward McKee

continued  
over →



advantages—prohibitive cost; impact on nearby residential use; significant water quality effects; Mann says clearly unsuitable.

10. Hawthorn Cove (not shown on map, on Aberdeen Proving Grounds): 41 million cubic yards; \$52 million. Advantages—low use area; government owned; no interference with navigation or shellfish. Disadvantages—excessive loss of remote wetlands containing rare wildlife species; too distant from dredging; Mann says clearly unsuitable.

## 153 *Essex Times Nov 4, 1976* EPA rescinds Hart-Miller approval

The U. S. Environmental Protection Agency has rescinded its conditional approval of the proposed Hart-Miller Islands spoil disposal dike, Rep. Clarence D. Long (D., Md.) announced on Tuesday.

EPA Region III Administrator Daniel J. Snyder has demanded that the Corps of Engineers assume responsibility for the soundness of the dike's construction, pointing out that "A dike failure would greatly increase the environmental damage associated with this project."

Snyder told the Corps of Engineers, in withdrawing the earlier conditional approval, that EPA had given a tentative go-ahead "under the assumption that a structurally sound dike would contain the dredge spoil."

"I am not willing... to have EPA endorse this project until questions concerning the structural soundness of the dike are resolved," Snyder told Col. G. K. Withers, the Corps' District Engineer, in withdrawing EPA's conditional approval.

ELA joins the Department of the Interior and the National Marine Fisheries Service in demanding further clarifications and commitments from the Corps of Engineers before giving an OK to the proposed dike construction permit for a two-square-mile spoil disposal area off Baltimore County's Chesapeake Bay shoreline.

In the earlier letter, EPA set forth three conditions—creation of new wetlands area by the State, guarantee of recreation use of the completed dike area, and immediate research into long-range diking and non-diking alternatives to Hart-Miller.

"The three Federal agencies—EPA, Interior, and Marine Fisheries—have independently reached the same conclusions I did," Rep. Long pointed out. "The dike is proposed to be placed on a weak foundation, it is not soundly designed, it is not firmly guaranteed to be used ultimately for recreational purposes, and it would pose a serious threat to the Upper Chesapeake Bay area."

"Moreover, the proposed dike is far larger than needed for maintenance dredging and far too small to provide a long-term solution to dredge disposal needs for a growing Port," Long noted. "All three Federal agencies opposing the dike have insisted on immediate investigation of long-range non-diking alternatives."

## Slinging sludge

*Times - Aug 19 - 76*

John Seney, the Republican nominee for Congress in the Second District, is calling for immediate approval of the Hart-Miller Islands dredge-disposal dike and an end to Rep. Clarence Long's undying opposition to the project.

"For years, this...congressman has opposed the development of the Port of Baltimore and used his congressional strength to slow down...the dredging...," Mr. Seney accused.

Alluding to the fabled king who drowned trying to stop the tide, Mr. Seney said, "The Congressman may march down to the shore and order the tide to stop, but he best wear stilts for it is inevitable that the tide of progress must be considered or we will all sink into economic oblivion, just as surely as the ships of the world will settle into the mud which fills our port and chokes our channels."



# Stone Urges Court Action

live  
Oct 7, 1979

## Senator Sends Strong Letter to Officials

Urging the Baltimore County government to take court action to prevent the proposed diking facility at Hart and Miller Islands in Baltimore County, Senator Norman Stone, Jr. (Dem-9th) in a letter to the Baltimore County Executive and Chairman of the County Council called the project "disastrous" and not in the best interests of Baltimore County.

A long time opponent of the dike, Senator Stone has introduced several pieces of legislation to halt the project and has fought with the Department of Natural Resources, testified before the Board of Public Works and written to the Governor in his attempts to thwart what he terms a "potential calamity for Baltimore County, the Chesapeake Bay and the State of Maryland."



State Sen. Norman Stone

The project which has the backing of state and Baltimore City officials is now all but guaranteed, and Senator Stone feels court action is the only possible recourse. Such

action is being prepared by the Hart and Miller Islands Environmental Group and its President, Joseph Bormel, and the Senator would like to see Baltimore County join in that suit.

"Adequate safeguards have not been guaranteed, recreational use has not been guaranteed nor is there a guarantee that seepage will not destroy marine life," Stone said. "There are environmental groups as well as federal agencies which have expressed concern and outright opposition to this project, but the state and federal government have turned deaf ears to all but the economic interests purported by the Port of Baltimore", he continued. "Hart and Miller are no real ans-

wer to the dredging needs of the state, but they will be an answer to future industrial development in Southeast Baltimore County", the Senator charged.

"It is now time for Baltimore County to make a momentous decision", the Senator stated, "and I have called upon Mr. Venetoulis and Mr. O'Rourke to take steps which now are the only chance Baltimore County has to avert this disaster. It is Baltimore County and its citizens who will bear the brunt of disrupted communities and destroyed recreational areas and Baltimore County must act to protect its own vital interests", asserted the Senator.

Rourke to take steps which now are the only chance Baltimore County has to avert this disaster. It is Baltimore County and its citizens who will bear the brunt of disrupted communities and destroyed recreational areas and Baltimore County must act to protect its own vital interests", asserted the Senator.



# Hart-Miller defenders say the battle not over

Times Nov. 23-78

Dear Citizen:

On Friday, October 20, 1978, Federal Judge Herbert Murray ruled the Corp of Engineers "exceeded its authority" in issuing a permit to the state of Maryland to construct a dike at Hart and Miller Islands. Despite this favorable decision, the battle is not won.

Special interest groups have appealed for motions of rehearing and reconsideration. If this fails, the defenders will, in all probability, appeal the judge's decision. They will also apply tremendous pressure on the Maryland Congressional delegation to obtain congressional approval for construction of the dike.

Our battle to retain the present residential and recreation area for ourselves and our children is a difficult one. We have been fighting for eight long years.

Since legally challenging the permit in court on June 20, 1977, we have paid our attorneys more than \$15,000. The legal maneuvering by our wealthy opponents has resulted in our attorneys working long and hard for us. We are pleased with their efforts. It's anticipated that the lengthy Court of Appeals process will necessitate an additional \$10,000 legal fee.

Invest in your freedom! Help us to

help you and your children by sending a contribution of \$10 or more to:  
Hart & Miller Defense Fund  
Box 7906  
Essex, Md. 21221

Joseph Bormel,  
president  
Hart & Miller Islands  
area environmental group

#  
153

## 5 Organizations Offer To Help Hart-Miller Environmental Group

Nov 30  
1978

Five national organizations have offered to assist the Hart and Miller Island Area Environmental Group if the state files an appeal of U.S. District Court Judge Herbert F. Murray's recent decision prohibiting the construction of a spoil disposal dike at Hart and Miller Islands.

Mr. Joseph Bormel, president of the environmental group, said he was not at liberty to name the groups that have offered assistance, but he did say that several environmental

organizations are among them.

He said that this was "good news for people in the Essex community," because area residents have been fighting the use of Hart and Miller Islands as a dredging site for eight years. This is the first time the possibility of help has existed, he said.

The president of the environmental group also said that his organization has received inquiries from all over the United States about Hart-Miller decision.



Essex Times Oct 26 78 153

# Hart-Miller decision brings elation, victory

By Mary Humberson

Last Friday's decision by a federal judge on the Hart-Miller controversy brought a psychological boost and a feeling of elation to those who have fought the battle against the proposed dike.

Judge Herbert F. Murray invalidated the permit issued by the Army Corps of Engineers to construct a dredge disposal area adjacent to and on the Hart-Miller islands.

He ruled the agency had not complied with the legal requirement for approval by Congress on the project.

Joseph Bormel, president of The Hart and Miller Islands Area Environmental Group, one of the principles in the suit against the Army Corps, called the decision "momentous and fair."

"It pointed out what we had been saying since 1972. We felt then if we took it to court, we would win," Mr. Bormel said.

He said his group and those others involved in the fight have "won an important round, but not the battle." Judge Bormel said.

He said his group and those others involved in the fight have "won an important round, but not the battle." Judge He ruled on only one of the 11 counts in the suit.

But, Mr. Bormel said, the decision was "tremendous" and provided a necessary boost to the movement.

Although Army Corps officials have said they probably will appeal the judge's decision, Mr. Bormel feels that would be a mistake.

"They're fighting the people. We know we're right and we will win."

Pearl Gintling, president of the North Point Peninsula Community Coordinating Council, said she was "elated" at the decision.

"It's been the bright spot in my

"Instead of wasting the taxpayers' money in this thing, the state should investigate a temporary disposal area for the spoils," Mr. Bormel said.

"They act like we're from New York City, but we were born here and we care about the port. We're not against progress and we've always been in favor of maintenance dredging."

The Hart and Miller Islands Area

year. I have prayed for that decision," she said.

"The community had become so frustrated by the shenanigans at public hearings, we almost thought it was a lost cause."

Both she and Mr. Bormel feel the claim by the state and city that there will be a loss of city jobs is false. He claimed he would like to have the "phantom ships" named which are allegedly hitting bottom in the Harbor.

Environmental Group, Rep. Clarence D. Long (D., 2nd) and other concerned citizens filed the suit against the Army Corps of Engineers in July 1977.

The Army Corps had issued a permit to the state in November 1976 to allow for a 1,100-acre dike to contain 52 million cubic yards of spoils.

Opponents of the dike around the islands had challenged the structure, a proposed 18-foot high sand and rock barrier. They said the Corps had failed to investigate alternative sites.

Lawyers for the state argued that the structural design of the dike is safe, and that it would not prove to be an obstruction to navigation.

If Judge Murray's decision is appealed but upheld, the state could also seek congressional approval. But Rep. Long has been a vigorous opponent of the dike and has said he is confident he could block the effort in Congress.

Mr. Bormel said he thinks the state "expected us to fold up our tents and leave, but we're not going to."

"I don't care what the cost is. I'm doing this for the kids who will come after us."

## Environmental Groups Join THE AVENUE MAR 15 1979 Hart-Miller Island Fight

The Sierra Club, with headquarters in San Francisco, and the National Wildlife Federation of Washington, D.C. recently requested that the Court of Appeals allow them to submit an amicus curiae (friend of the court) brief in the case of the Hart and Miller Island Area Environmental Group Versus the State of Maryland.

On June 20, 1977 the Hart and Miller Island Area Environmental Group went to Federal District Court to challenge, in an 11-count suit, the legal right of the Corps of Engineers to issue a permit to the State of Maryland to construct an 1,100-acre sand dike at Hart and Miller Islands, off Back River in the Chesapeake Bay.

On Oct. 20, 1978 Federal Judge Herbert Murray ruled in favor of the citizens' group.

At a re-hearing, requested by the state, Judge Murray once again, on Nov. 22, 1978, ruled in favor of the Hart-Miller group.

In January 1979 the Corps of Engineers and the State of Maryland took the case to the Court of Appeals.

The request by the environment groups in the most recent development in the case.

The next meeting of the Hart and Miller Islands Area Environmental Group will be held on Tuesday, April 3, at the Essex Library in the Middlesex Shopping Center, beginning at 7 PM.

The public is invited to attend.



# Long views Hart-Miller final report as recycled propaganda

By Fred Abel

Far from defeated, Cong. Clarence D. Long and the Hart and Miller Islands Environmental group last week vowed to fight on in court to stop the state's planned diked disposal dump at the mouth of the Back River.

Plans for the 1,100 acre sludge containment area have been sent to the Army chief of engineers and will soon face approval by the Secretary of the Army.

But the final environmental statement prepared by U.S. Army Corps of Engineers and Col. Robert McGarry came under sharp attack last week by Cong. Long, who charged the Corps with recycling the "discredited Green-Trident Report."

At a Feb. 25 meeting in the Essex Library, Cong. Long called the final statement a "whitewash" and accused the Corps of ignoring the 1975 Roy Mann Associates study which concluded Hart-Miller was "unsuitable as proposed."

"One would never know from the just-completed Corps report that the state's proposal was repudiated by its own recent consultant...just seven months ago," said Mr. Long in a press release.

Long outlined the following charges against the January, 1976, environmental statement on the dike:

- 1) it fails to mention the conclusion of Roy Mann Assoc. that Hart-Miller is "unsuitable as proposed;"
- 2) it fails to answer questions about the dike's design and safety, such as tests of bottom foundation which show the soil is incapable of supporting a 150-lb. man;
- 3) it fails to distinguish maintenance dredging from the project to deepen the harbor to 50 feet - a distinction which changes the environmental effects of the dike;
- 4) it fails to mention that two agencies - National Marine Fisheries Service and the Department of the Interior - still oppose the dike; and
- 5) it fails to examine smaller, in-harbor sites for immediate maintenance dredging.

The Corps report concludes that the Hart-Miller dike will benefit the state more than harm it. Page 62 of the telephone book-thick document says in part:

"The beneficial and related aspects of the proposal on maintaining shipping channels to Baltimore Harbor and on increased recreational opportunities will be long-term.

"The short-term loss (10 to 30 years) of 29.3 acres of wetland vegetation on Hart and Miller Islands and a portion (1,100 acres) of the Bay bottom is considered negligible in comparison to the net long-term benefits of reduced water pollution.

"Reducing erosion and open water dumping of containment sediments are other long-term benefits."

Again in the summary, the report says, "Beneficial impacts include the elimination of the undesirable practice of open water dumping ...."

Yet the Department of Interior, in a 1973 criticism of the proposal, found the preliminary statement "to be heavily orientated toward project justification."

Moreover, the Interior department told the Corps to eliminate a sentence similar to the above which concludes that the dike will eliminate open dumping.

"...it cannot be shown that project construction will result in increased water quality ... (or) that the dike would eliminate open dumping."

The department of Interior's conclusions of 1973 criticize the report for showing bias.

"Many of the listed beneficial effects are unsubstantiated by fact while expected adverse effects are omitted," the Interior concludes. They also find that short shrift is given to alternatives to diking at Hart-Miller.

Those very alternatives were evaluated by the Roy Mann study made last year, the conclusion being that three inner harbor sites would take care of a portion of the spoils.

But nowhere in the 1976 environmental study does the Corps mention those conclusions - the omission which prompted Cong. Long to make his charges.



Ave  
Oct 26-78  
153

# Federal Judge Axes Dike For Hart, Miller Islands

By William Pacer

A Federal Court judge has axed plans by the state of Maryland to build a spoil disposal dike at Hart and Miller Islands in the upper Chesapeake Bay near the mouth of Back River.

United States District Court Judge Herbert F. Murray ruled in a 23-page opinion that the Army Corps of Engineers "exceeded its authority" by granting a permit to construct the facility without obtaining the approval of Congress.

Representatives of the Corps and the state of Maryland have promised to appeal the verdict to the Circuit Court of Appeals in Richmond. The appeal process is expected to take at least nine months.

## People's Victory

Joe Bormel, president of the Hart and Miller Island Area Environmental Group, declared, "This is a people's victory. This was accomplished by citizen involvement at its highest. We received no funds from the state, the federal government, the county, or special interest groups. It was the small contributions and hard work by the people."

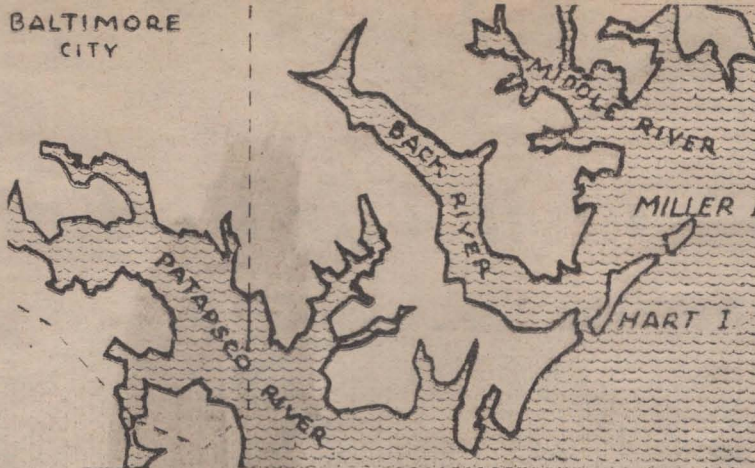
He added, "We never would have won without the people and the assistance of Congressman Clarence D. Long, his aide Jean O'Neil, State Senator Norman Stone, the Maryland State Wildlife Federation, and our attorney Ed Rybczynski. Ed had a personal commitment to see this dike stopped."

## Firm Opinion

"This decision is the highlight of my career because the case is of such magnitude," observed Rybczynski. "It is a very firm opinion...very comprehensive."

A spokesperson for Congressman Long said, "He considers the ruling a

BALTIMORE  
CITY



Map shows location of Hart and Miller Islands in relation to the Patapsco, Back and Middle Rivers.

magnificent victory."

The judicial opinion only covers the first count of an eleven-count suit brought against the Army Corps of Engineers by opponents of the controversial spoil containment facility.

## Ten-Year Battle

The announcement Friday of the decision by Judge Murray climaxed a ten-year battle to halt construction of the facility.

On November 22, 1976, the Army Corps of Engineers issued the state of Maryland a permit to erect a spoil containment dike covering an area of 1,100 acres, or approximately two square miles. The completed dike would have a capacity of 52 million cubic yards of material dredged from the Baltimore Harbor.

## First Count

In the first count of the suit, opponents claimed the approval of Congress was necessary before the permit could be granted.

Judge Murray agreed, saying, "While the court is keenly aware of the problems associated with open water dumping of dredged spoil, and of the need to deepen Baltimore Harbor and its access

channels, the statute mandates Congressional approval of the project before it can be undertaken."

Rybczynski advised, "The Corps of Engineers has been told they have to follow the law like every other citizen. They granted the permit (without Congressional approval) because they have done it for years."

## Euphoria

Bormel stated, "This is a moment of euphoria. The battle is not over, but we have won this round."

Environmentalists see time as a major asset in the fight to stop the dike. Present estimates put the cost of building the dike at nearly \$100 million. A one-year delay could hike the price 50 per cent to one hundred per cent. The extra cost could make construction prohibitive.

While the Corps could seek Congressional approval of the permit, a spokesperson for Representative Long believed such a move would prove unfruitful, since they would expect the House of Representatives to defer to Representative Long and deny the permit.



January 10, 1976

HART & MILLER ISLAND AREA ENVIRONMENTAL GROUP

Dear Member:

Enclosed is a review of a portion of the efforts made during the past year "1975" to preserve the area surrounding Hart & Miller Islands for our selves and future generations.

Write your State and Federal officials reiterate your concern to protect this vital area of our Bay.

We are giving freely of our time ~~in this~~ worthy cause, but we can not do it alone. We need your moral and financial support. To help defray the potential cost of a long legal battle. Please send \$10.00 which will cover annual dues. Make Checks payable to Hart & Miller Islands Area Environmental Group, and mail to 36 North Linwood Avenue, Baltimore Maryland 21224.

This is one of the few deticated organizations fighting to preserve the northern part of the Chesapeake Bay. We thank you for your support in the past and urge you to continue your support to help save our environment for you and your children.

Sincerely,

*Joseph Bormel*

Joseph Bormel  
President

JB/ezb



PRESS RELEASE

THE Northern Part of the Chesapeake Bay is on the Environmental edge of danger and must be fought for.

The recent widening of the C & P Canal could effect the circulation and salinity of the Upper Bay Waters and possibly destroy Marine Life in the immediate area. Dr. Eugene Cronin, one of the most respected experts on pollution in the Chesapeake Bay said, "You can lose from many sources, you can lose if an arithmetic mistake is made, you can lose if a theory is wrong and you can lose if a political decision is wrong.

The Proposed construction of Power Plants at Still Pond in Kent County on the eastern shore and the Harford County Site on the western shore would raise Higher Temperatures in the part of the Bay and disturb delicate balances that might result in mass fish kills or make it impossible for certain Tiny Organisms to survive.

Sewage and Industrial waste problems are the one-two punch as enemies in the battle against pollution and political permissiveness and Industrial Irresponsibility are the reasons why the battle will be a difficult one to win.

These are not the only threats to Maryland's greatest Natural and Recreational Resources. The State of Maryland has asked the United States Army Corps of Engineers for a permit to construct a Sand Dike that will rise 18 feet above mean low tide and will cover 1100 acres of clean Chesapeake Bay water and will take 10 to 30 years to complete the project.

The issuing of a permit and the subsequent construction of a Dike at the Hart & Miller Islands Site despite warnings by Federal agencies and State Sponsored studies will nail coffin on the northern part of the Bay as this once beautiful body of water becomes a grave yard for fish, fowl and aquatic life. To help protect this part of this Bay we have worked for five years to prevent the Dike at Hart & Miller Islands which State sponsored experts have found, unsuitable as proposed.

In reviewing the past the following events have been logged in the year 1975 to help preserve the Northern part of the Chesapeake Bay for ourselves and future generations.

Continued on page 2



January 21 A 20 foot high Sand Dike, Similar in many respects to the one proposed at Hart and Miller Islands, Breaks in Easton, Maryland Spilling thousands of gallons of muddy-Black water over 7 acre Estate on the Eastern Shore of Maryland.

January 22 We wrote a letter to the newly Elected Baltimore County Executive, Ted Venetoulis, To discuss our opposition to the State proposed project to create a Diked Sludge Containment Facility adjacent to Hart and Miller Islands in the Chesapeake Bay.

February 10 We met with Mr. Venetoulis in the County Office Building.

February 13 We addressed the entire Baltimore County Council.

February 14 The Corps of Engineers announced it will hold another Public Hearing on Hart and Miller Islands before determining whether Maryland can Build at this location.

February 17 C. J. Langenfelder & Sons, Inc. (owners of the Islands) applied to the Corps of Engineers for a permit to construct a Bulkhead at Hart-Miller Islands. We immediately informed the Corps the applicant did not obtain local permits required and Zoning did not allow such a permit to be granted.

February 20 A mass meeting was held at Sparrows Point High School Which drew over 200 residents plus U.S. Congressman Clarence Long, State Senators Norman Stone and Donald Hutchinson, County Councilman John O'Rourke and Norman Lauenstein as well as County Executive Venetoulis. A petition drive in opposition to the Diking began.

February 24 Joseph Bormel, Edward Rybczynski, Paul Freidenbaugh, Frank Pine, Paul Hartzel and Lawrence Dietrich met with members of the House of Delegates and State Senators in Annapolis to discuss legislative help to preserve the Islands and surrounding area and keep intact its residential and recreational character.

February 25 Joseph Bormel, President of the Hart and Miller Island Group debated Mr. Greg Halpern, Deputy Port Administrator on the Hart-Miller issues at the Glen Mar Sailing Club in Towson.

February 26 Congressman Long, Local Legislators, Residents of Southeast Baltimore County, Several Bus loads of students from Sparrows Point High School testified before the economic affairs committee in Annapolis in support of Senate Bill 460- To prohibit any Dike at Hart and Miller Islands and Senate bill 522- To insure that no Dike be allowed outside of Baltimore Harbor.



March 3 Mr. James B Coulter, Secretary of Natural Resources agrees to a new three month study to compare Hart-Miller Islands with other possible sites. A Peer Review Committee would be appointed by County Executive Venetoulis. Mr. Coulter agreed to abide by the outcome of the new study- whatever that decision would be.

March 9 Baltimore County Watermans Association protest the Diking in the presence of Secretary Coulter at the Essex Elk Lodge.

March 22 First meeting of the Peer Review Committee.

March 26 Congress Appropriates money for the Corps of Engineers to begin a two year study of the Dredged Spoil Disposal Problem in the Baltimore Harbor.

April 18 Hart-Miller Islands Group answers Corps of Engineers Environmental Impact Statement and recommends alternative sites for Dredged Material.

April 26 Peer Review Committee selects Roy Mann Associates of Cambridge, Massachusetts as the Consultant to compare Hart-Miller with other possible sites for the disposal of Spoil Material from Baltimore Harbor.

May 8 Hart-Miller Group meets with Mr. Dan Snyder, Regional Director of the E. P. A. in Philadelphia to raise legitimate concerns of the Environmentally harmful effects of an unproven Dike on the entire Chesapeake Bay in General and the northern part of the Bay in Particular.

May 10 Corps of Engineers hearing on Hart-Miller Islands at Patterson Senior High School. 1100 in attendance- many Bethlehem Steel Workers "urged" to attend and speak in favor of the Dike with a list of names in attendance Forwarded to Bethlehem's Main Office for future promotions.

May 20 Another Dike Break in Maryland. This time at Sandy Point State Park Spilling more than 10,000 cubic yards of sludge into the Chesapeake Bay. This Dike was designed by the General Services Administration and approved by the Maryland Department of Natural Resources the same two agencies Responsible for the proposed Dike at Hart-Miller Islands.

May 21 Maryland Board of Public Works awards two contracts totaling almost \$3,800.00 for Appraisal of Hart-Miller Islands.

May 22 The Dike break at Sandy Point Park was still pouring muck into the Chesapeake Bay. DNR says cause of the Dike Break still under investigation.

May 23 A resolution was introduced at a meeting of the Maryland Boating Act Advisory Committee asking the State to seek an alternative site to house Dredged Material in a area less harmful to the Environment and Recreational Boating. The Resolution was tabled by the D.N.R. appointed and controlled Committee.

June 23 Hart-Miller Group travels to Annapolis to meet with Mr. Arthur Sherwood and Staff of the Chesapeake Bay Foundation to discuss the controversy. The Biologist representing the Foundation concluded they would abide by the Experts opinion of the soon to be released Roy Mann Report.

June 23 The United States Department of the Interior reaffirmed its opposition to the construction of a Dike at Hart-Miller but also was awaiting the outcome of the consultants study to be released by the end of July.

July 8 The National Wildlife Federation in a 5 page report commenting on the May 10 Corps of Engineers Hearing on Hart-Miller had misgivings on the need for the project and the environmental impact of the project.

August 1 The State Hired Consultant made its report Public. It found the Dike at Hart-Miller Islands "UNSUITABLE AS PROPOSED" and recommended Sollers Point and Colgate Creek as the best Dump sites for Baltimore Harbor Dredged Spoil. It found Hart-Miller Island Dumping Site Environmentally and structurally Inadequate.

August 5 The Citizens Peer Review Committee Members from Baltimore City, Baltimore County, Anne Arundel County and Harford County Unanimously supported the 450 page Consultants Report and a majority of the committee called for the Resignation of James B. Coulter for not keeping his word and abiding by the Consultants recommendation. Mr. Coulter continued to support the Hart-Miller Island Site.

September 1 Signatures in opposition to the Dike at Hart-Miller Islands reached 90,000 as a result of drives spearheaded by Mrs. Virginia Tolbert.



HART & MILLER PAGE 4

September 10 The Maryland Board Of Public Workes Receives an Application From The Department of General Services for construction of a Diked Disposal Facility adjacent to Hart & Miller Islands in the Chesapeake Bay.

September 22 At a Board Of Public Works Hearing in Annapolis, Area Residents, Elected Officials and concerned Citizens turned out to voice opposition to the Hart-Miller Islands site but the Governor and State Comptroller turned a deaf ear to the opponents Pleas.

September 23 The Board of Public Works delayed action on the proposal because State Treasurer William S. James was absent from the hearing.

November 5 Board of Public Works gives final approval to construct Dike at Hart & Miller Islands.

November 6 The Interior Department of Fish and Wildlife Service urges Maryland to identify and Utilize sites within Baltimore Harbor for disposal of Dredged spoils and forego any use of Upper Bay Sites. The Interior Department recommended that the permit for the proposed project not be issued by The Army Corps of Engineers.

December 1 Secretary James B. Coulter delays State's purchase of a Power Plant Site on the Chesapeake Bay until the Bay Model, expected to be completed in little over a year by the Corps Of Engineers, is in operation. The model, when completed, is expected to show the Biological consequences of various Physical factors on the Bay.

December 8 Joseph Bormel, President of the Hart & Miller Group, Writes to The Corps Of Engineers requesting the Corps not consider a permit to the State until the Chesapeake Bay Model is completed and operational so that many environmental and Biological questions concerning the Dike area that presently is mere conjecture, may be more fully examined.

December 18 D.N.R. Reports The Maryland Port Administration is studying 8 potential Dredged Spoil Sites with a total maximum capacity of 65 million cubic yards. A 20 year projection of Federal, State and private projects is expected to be 52 million cubic yards. The use of these inner Harbor Sites are for relatively clean spoil from outside the Harbor. The "Dirty Inner Harbor Spoil", If The Maryland Port Administration has its way, would be Dredged and contained in a Facility at Hart & Miller Islands. \$13 million dollars appropriated by the Maryland Legislature in May 1969 has just about been depleted. The State will need an additional 50 million dollars to redesign, construct and maintain a Dike at Hart & Miller Islands. The State will be hard pressed to find funds for such a controversial project.

Joseph Bormel

President, Hart & Miller Island Environmental Group





W. Pacer

Nov. 22, 1976

For Immediate Release

PA76-73

Colonel George K. Withers, Baltimore District Engineer, Army Corps of Engineers, today announced approval of an application by the State of Maryland for the construction of dike disposal area at Hart-Miller Island.

The action followed a review period in which the proposed project was thoroughly assessed by Federal and State environmental agencies.

The application was submitted to the Corps of Engineers on February 25, 1972.

The following are highlights taken on the application during the review process.

July 12, 1972 - Notice of Public Hearing distributed.

August 29, 1972 - First Public Hearing, Eastern Vocational Technical High School.

March 7, 1973 - Draft Environmental Statement distributed for review and comment.

May, 1974 - Final Draft Environmental Statement.

February 18, 1975 - Public Notice issued in compliance with Section 404 B Federal Water Pollution Control Act.

M O R E

# NEWS

## R E L E A S E



BALTIMORE DISTRICT, CORPS OF ENGINEERS · P. O. BOX 1715 · BALTO., MD. 21203  
PUBLIC AFFAIRS OFFICE · TELEPHONE: AREA CODE 301, 962-4617



1st add Hart-Miller

April 10, 1975 - Notice of Public Hearing distributed.

May 10, 1975 - Second Public Hearing, Patterson High School.

July 15, 1976 - Final Environmental Impact Statement filed with  
Council on Environmental Quality.

July 30, 1976 - Final Environmental Statement distributed for a 30  
day review period.

After lengthy review the permit application was found to be in the  
public interest and ~~it was~~ <sup>was</sup> issued today.

#####



NEWS from

Congressman

CLARENCE D. LONG

2nd DISTRICT, MARYLAND

COMMITTEE ON  
APPROPRIATIONS

CHAIRMAN:  
SUBCOMMITTEE ON  
FOREIGN OPERATIONS

*Facer*

2304 RAYBURN BUILDING  
WASHINGTON, D.C. 20515

(202) 225-3061

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Remarks by Rep. Clarence D. Long

Monday, June 20, 1977  
Baltimore, Maryland

ON THE FILING OF THE LAWSUIT AGAINST THE ARMY CORPS OF ENGINEERS

ON THE HART-MILLER DIKED SPOIL AREA PERMIT

The Corps of Engineers has failed to meet requirements of the National Environmental Policy Act in critical respects:

- \*\*The Corps copied much of the highly questionable Green-Trident Report, sponsored by the State, despite the fact that Green served a prison sentence for his part in State corruption.
- \*\*There is no investigation of alternatives in the Environmental Impact Statement. It was a struggle to get the Corps to admit that viable non-dike as well as dike alternatives exist, even after the Mann Report pointed out some of the latter.
- \*\*The Corps cannot make up its mind what the purpose of the dike is -- to contain spoil from maintenance dredging; to contain contaminated spoil from the Harbor; or to contain dredging from the deepening of the Harbor to 50 feet.
- \*\*The Corps does not evaluate the project; it defends or apologizes for it, while



\*\*The Corps refuses to answer or recognize comments from residents of Dundalk, Essex, Edgemere, Sparrows Point, Fort Howard and Middle River, which are within 1-5 miles of the project, while devoting much of the impact statement to the Port of Baltimore--about 10 miles away.

\*\*The Corps dismisses casually the opposition of key Federal agencies: the Department of Interior; the National Marine Fisheries Service; and the State's "outside" consultant, Roy Mann Associates, which found the dike "unsuitable as proposed."

\*\*The Corps issued the permit, or at least directed its issuance, on the basis of a telephone conversation between a political appointee in the Interior Department and a senior Corps official.

There are other crucial issues raised in this suit:

1. The Corps did not get the consent of Congress before issuing the permit. Does it need that consent?
2. The Corps was derelict in refusing to recognize the structural unsoundness of the dike.
3. The Corps did not insure, as its regulations require, that all local laws had been complied with and all local permits issued.

This suit is not a frivolous action. It springs from the frustration by the State and the Corps of persistent and orderly efforts by citizens to get proper information and answers to significant questions about the project.

The suit is being supported by the people--the money has been raised not by large contributions from various industries but from \$1, \$5, and \$10 contributions from area citizens.

The Corps has violated Federal law and its own regulations in issuing this permit; it may have caused other agencies to violate the law. The Corps certainly has misused the National Environmental Policy Act and ill-served 100,000 taxpayers who live in eastern Baltimore County.

This suit brings all these issues to an impartial Federal Court. I am confident we shall win on all points.

###

2



## NEWS from



Congressman

# CLARENCE D. LONG

*William F. Casey*  
COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:  
FOREIGN OPERATIONS  
INTERIOR  
TREASURY - POSTAL - GENERAL GOVERNMENT

2nd DISTRICT, MARYLAND

2421 RAYBURN BUILDING

WASHINGTON, D.C. 20515

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FOR IMMEDIATE RELEASE

November 22, 1976

Rep. Clarence D. Long (D., Md.) issued the following statement in response to today's announcement by Army Corps of Engineers District Engineer Col. G. K. Withers that the Corps would issue a permit to the State of Maryland for construction of a 2-square mile diked spoil disposal area at Hart and Miller Islands:

The panic in which this permit has suddenly been rammed through by a lame duck Republican Administration is fishy. It tastes like last week's fish; it smells like last month's fish.

For five years the Corps has done nothing but rewrite



the Green-Trident Report, which had one purpose--to justify selecting the Hart-Miller site, and whose author was later jailed as a result of a bribery scandal.

For five years, the Corps and the State have steadfastly refused to examine diking and non-diking alternatives to Hart-Miller.

The Corps and the State, after calling in Mann Associates as a referee, like petulant small boys refused to accept their own referee's adverse decision. The Mann Report found Hart-Miller "unsuitable as proposed" and pointed out major problems with the dike's proposed construction.

Five years of stalling by the Corps and the State, because neither could answer criticisms of the project; then a sudden two-month rush to issue the permit--that's as fishy as the original choice of Hart-Miller.

There will be a lawsuit. I plan to join in that suit. When the facts are presented to a court of law, it will be clear that neither common sense nor Federal law was followed in making this precipitous decision to issue the permit.

I have pointed out to Col. Withers, the Corps District Engineer, that in signing the permit, he and the Corps accept responsibility not only for approving construction and operations plans for the dike, but for seeing that those plans are carried out. From the Corps' past track record in Maryland alone--the broken Corps-approved dikes at Tred Avon, Whitehaven, and Sandy Point--it appears that if this dike is built, we can expect it to break. Will the Corps repair all the damage to the Bay? Who really believes that it can or will?

# # # # #





*William Pace*

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS

BALTIMORE DISTRICT, BALTIMORE, MARYLAND

NOTICE OF AUTHORIZATION

22 November 1976

A PERMIT TO construct a diked disposal area to contain dredged material on approximately 1,100 acres adjacent to Hart and Miller Islands. The work to be performed in Chesapeake Bay

AT Hart and Miller Islands, Baltimore County, Maryland

HAS BEEN ISSUED TO State of Maryland  
Department of General Services

ON 22 November 19 76

ADDRESS OF PERMITTEE 301 West Preston Street  
Baltimore, Maryland 21201

*G. K. Withers*  
G. K. WITHERS

PERMIT NUMBER

NABOP-F/2 (Md. General Services) 2

Colonel, Corps of Engineers  
District Engineer

ENG Form 4336  
Jul 70

THIS NOTICE MUST BE CONSPICUOUSLY DISPLAYED AT THE SITE OF WORK.





DEPARTMENT OF THE ARMY  
BALTIMORE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 1715  
BALTIMORE, MARYLAND 21203

NABOP-F/2(Md. General Services)2

22 November 1976

State of Maryland  
Department of General Services  
301 West Preston Street  
Baltimore, Maryland 21201

Gentlemen:

In response to your application referenced above for a Department of the Army permit, there are inclosed an original and one copy of permit form NADB FL 1000.

It is requested that you indicate your acceptance of the terms and conditions set forth in the inclosed permit by placing your signature and the date signed on page 4 thereof. Upon your acceptance of the terms and conditions, you are authorized to proceed with the construction indicated therein. Your particular attention is invited to conditions (a), (t) and (w) of the permit. Your attention is also invited to special conditions (x), (y) and (z) of the permit.

The copy of the permit signed by you should be returned for retention in the records of this office. A self-addressed, franked envelope is inclosed for this purpose. Also inclosed is your NOTICE OF AUTHORIZATION, ENG FORM 4336, which must be conspicuously displayed at the site of the work prior to commencement of construction.

Your early response in this matter would be appreciated.

Sincerely yours,

G. K. WITHERS  
Colonel, Corps of Engineers  
District Engineer

3 Incl  
As stated

Attachments: Obstruction Light Regs  
Cy of plans (in 13 sheets)





DEPARTMENT OF THE ARMY

PERMIT

NABOP-F/2(Md. General Services)2

U.S. Army Engineer District, Baltimore  
Corps of Engineers  
P.O. Box 1715, Baltimore, Md. 21203

Referring to written request dated 25 February 1972 for a permit to:

( X ) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the River and Harbor Act of 3 March 1899, 33 U.S.C. 133;

( X ) Discharge dredged or fill material into navigable waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 (b) of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500);

( ) Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-532);

State of Maryland  
Department of General Services  
301 West Preston Street  
Baltimore, Maryland 21201

is hereby authorized by the Secretary of the Army to construct a diked disposal area to contain dredged material on approximately 1,100 acres adjacent to Hart and Miller Islands.

in Chesapeake Bay  
at Hart and Miller Islands, Baltimore County, Maryland

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit:  
titled: "PROPOSED DREDGING AND DIKE IN CHESAPEAKE BAY AT MILLER AND HART ISLAND BALTIMORE COUNTY, MARYLAND APPLICATION BY MARYLAND STATE DEPT. OF GENERAL SERVICES FEB. 25, 1972 1 of 13"

Subject to the following conditions:

(a) That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.



(b) That the permittee shall comply promptly with any lawful regulations, conditions, or instructions affecting the structure or work authorized herein if and when issued by the Federal Water Quality Administration and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution, including thermal or radiation pollution. Such regulations, conditions or instructions in effect or hereafter prescribed by the Federal Water Quality Administration and/or the State agency are hereby made a condition of this permit.

(c) That when the activity authorized herein involves a discharge or deposit of dredged or fill material into navigable waters, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

(d) That the permittee agrees to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife and natural environmental values.

(e) That the permittee agrees to prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

(f) That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein, and all expenses thereof may, with the approval of the Division Engineer, be borne by the permittee.

(g) That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

(h) That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

(i) That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

(j) That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

(k) That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

(l) That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

(m) That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

(n) That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.



(o) That if the activity authorized herein is not started on or before 22nd day of November, 19 78, (one year from the date of issuance of this permit unless otherwise specified) and is not completed on or before 31st day of December, 19 86, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

(p) That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

(q) That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

(r) That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

(s) That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition v hereof, he must restore the area to a condition satisfactory to the District Engineer.

(t) That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charges with the responsibility for maintaining records of title to and interests in real property.

(u) That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

(v) That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

(w). (This condition applies to permits authorizing placement of fill only) That no building or other structure may be erected on the fill authorized by this permit unless such building or other structure is appropriately identified and described in the plans and drawings attached hereto; that buildings or other structures authorized by this permit, once erected, may not be significantly modified in their outward appearance or torn down and other buildings or structures erected in their place unless a modification of this permit is authorized by the Secretary of the Army or his authorized representative; and that neither the fill itself nor buildings or structures erected in accordance with the plans and drawings attached hereto may be dedicated to any different use than that contemplated at the time of issuance of this permit unless modification of this permit is authorized by the Secretary of the Army or his authorized representative.

Special Condition(s):

(x) That the State of Maryland acquire all necessary rights, title and interest for the construction and operation of the facility.

(y) The State of Maryland in consultation with local and Federal agencies shall develop and implement a comprehensive plan for open space, fishing, wildlife and recreational use of Hart and Miller Islands, and land created from the deposit of spoil within the containment area.

The plan shall provide for upland features aesthetically designed to maximize a variety of public uses. Provision shall be made for a park combining intensive recreational facilities, low intensity use areas, open green space areas, and fish and wildlife recreational areas. Consideration shall be given to possible cultural activities on the site. As part of the open space concept, productive marshes shall be included within the project area.

The plans shall be adopted according to laws and procedures of the State, approved by the Secretary of Natural Resources of the State of Maryland and included in the Maryland Comprehensive Open Space and Recreation Plan.



(z) That the permittee will proceed in a manner that will insure compliance with and achievement of the objectives contained in the guidelines promulgated by the Environmental Protection Agency under Section 404(b) of the Federal Water Pollution Control Act Amendments of 1972 (40 CFR 230).

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

*G. K. Withers*

G. K. WITHERS  
Colonel, Corps of Engineers  
District Engineer

22 Nov 76

Date

Permittee hereby accepts the terms and conditions of this permit.

\_\_\_\_\_  
Permittee

\_\_\_\_\_  
Date





IN REPLY REFER TO:

5100

United States Department of the Interior

BUREAU OF OUTDOOR RECREATION

NORTHEAST REGIONAL OFFICE

Federal Building - Room 9310

600 ARCH STREET

Philadelphia, Pennsylvania 19106

29 OCT 1976

Mr. Joseph Bormel, President  
Hart-Miller Islands Area  
Environmental Group  
Fairmount & Linwood Avenues  
Baltimore, Maryland 21224

Dear Mr. Bormel:

We have reviewed your letter of October 14, 1976 concerning the application by the State of Maryland for Federal Funding to assist them in acquiring Hart-Miller Islands.

The State's application for these Funds is presently under review in our office. As part of that review, your comments and concerns will be given full consideration.

Thank you for taking the time to apprise us of your concerns regarding this very important matter.

Sincerely yours,

*Anthony M. Coliviero*

DEPUTY Regional Director







## SENATE OF MARYLAND

ANNAPOLIS, MARYLAND 21401

NORMAN R. STONE, JR.  
STATE SENATOR  
9TH DISTRICT  
BALTIMORE COUNTY

COMMITTEES:  
VICE-CHAIRMAN,  
CONSTITUTIONAL AND  
PUBLIC LAW  
EXECUTIVE NOMINATIONS

HOME ADDRESS:  
2322 LODGE FOREST DRIVE  
BALTIMORE, MARYLAND 21219

October 18, 1976

Maurice Arnold  
Regional Director  
Department of the Interior  
Bureau of Outdoor Recreation, Room 9310  
600 Arch Street  
Philadelphia, Pennsylvania 19106

Dear Mr. Arnold:

I am in receipt of a copy of a letter sent to you by Mr. Joseph Bormel, President of the Hart-Miller Islands Environmental Group. In that letter Mr. Bormel very aptly presented the view of the citizens of the communities which will be affected by the building of the proposed diking facility. In addition, he pointed out the dangers of dike breakage which could affect the welfare of the entire State.

As the State Senator representing the district most directly affected by this project, I would like to endorse the position of the Hart-Millers Islands Environmental Group and urge your rejection of the grant application of the Maryland Department of Natural Resources.

I would also ask that you take the time to review a little of the history of this project; the continual citizen opposition, the refusal of the State to give serious consideration to alternate sites even after the advise of an independent study by Roy Mann Associates and the unrealisitic promise of a recreational "mecca" for the citizens of Maryland in the foreseeable future.

If you have any further questions concerning this project or the opposition of the citizenry to it, please feel free to call on me.

With kind regards, I am

Very truly yours,

Norman R. Stone, Jr.

NRS:ma



*Pacer*  
October 14, 1976

Maurice Arnold  
Regional Director  
Department of the Interior  
Bureau of Outdoor Recreation, Room 9310  
600 Arch Street  
Philadelphia, Pennsylvania 19106

RE: Grant Application  
Maryland Department of  
Natural Resources  
Acquisition - Hart-Miller Islands

Dear Mr. Arnold:

The Hart-Miller Islands Area Environmental Group, representing thousands of recreational boatmen, marina operators and Baltimore County watermen urges your department to reject the grant application from the Maryland Department of Natural Resources for \$95,095.00 to fund 50% of acquisition costs of Hart-Miller and Pleasure Islands in Maryland waters of the Chesapeake Bay.

The islands are not the cheapest nor most logical site to house contaminated dredge material from the Baltimore Harbor.

The State sponsored consultant report by Roy Mann Associates of Cambridge, Massachusetts found the Hart-Miller Islands site "unsuitable as proposed" and recommended two Baltimore Harbor sites as more acceptable as a spoil disposal facility.

In recent years several sand dikes on the Chesapeake Bay have ruptured. The proposed dike at Hart-Miller Islands is more susceptible to danger because of its location in open waters of the Bay. The rocks on the bayside of the dike will create a danger to more than 7,000 recreational boatmen who may be caught in a storm or have engine problems in the immediate area of the Rip-Rap.

125,000 citizens have taken the time to sign petitions in opposition to diking in the area adjacent to Hart-Miller Islands. A similar type dike at Crainy Island, Virginia (attached to fast land and in more protective waters) has been filled with dredge material for the past twenty-nine years and has not reached the dike's capacity.

How can the United States Department of the Interior agree to funding a project that will take thirty to thirty-five years before a so-called State Park can begin to be developed? How does anyone know what the costs will be three to four decades from now?



October 14, 1976

Page: 2

To: Maurice Arnold

The States' plans are unrealistic and dangerous and must be rejected.

Members of our organization are available to amplify on our position on the dike issue.

We, once again urge you to reject the States' grant application to fund 50% of the acquisition costs of Hart-Miller and Pleasure Islands.

Sincerely,

*Joseph Bormel*  
Joseph Bormel, President  
Hart-Miller Islands Area Environmental Group

JB/mbh

cc: Congressman Clarence Long  
County Executive Theodore Venetoulis  
State Senator Norman Stone  
Edward B. Rybczynski, Esquire



PLEASE CALL ME MONDAY MORNING

JEANIE O'NEIL 202-225-3061

NO. WDS. - CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	XXXXXXXXXXXXXXXXXXXX MESSAGE INCLUDES SENT AS A TELEGRAM XXXXXXXXXXXXXXXXXXXX
			CLARENCE D. LONG	

Send the following message, subject to the terms on back hereof, which are hereby agreed to

SEND AS MAILGRAM

NOV. 19, 1976 7:00 p.m.

Col. G. K. Withers  
District Engineer  
Baltimore District, Army Corps of Engineers  
Federal Building, 31 Hopkins Plaza  
Baltimore, Maryland 21201

If you sign permit for Hart-Miller dike, you accept responsibility for dike construction and operation.

As I stated in my comments on so-called Final Environmental Impact Statement, State officials have provided themselves an escape by placing on both water quality certificate and wetlands license a condition that "construction and containment must be performed in accordance with plans ~~wxxx~~ ~~wxxx~~ which must be approved by the Corps of Engineers."

This places entire responsibility for safety and integrity of Hart-Miller dike (if built) squarely on the Corps, not just during construction but for entire 30 year active life of the dike. Corps will have to insure that its plans are being followed.

Please confirm immediately by telephone Monday November 22 and by return mailgram and letter that you comprehend and accept the consequences of issuing this permit--that the Corps will have the obligation to supervise construction and operation of this dike to insure compliance with plans which the Corps accepts obligation to approve.

CLARENCE D. LONG M.C.



STOP THE DIKE

THE HART AND MILLER ISLANDS AREA ENVIRONMENTAL GROUP INCORPORATED

ARE YOU CONCERNED ABOUT THE DETERIORATING QUALITY OF THE CHESAPEAKE BAY ?

DO YOU BELIEVE THAT A CONCERNED PUBLIC CAN BE AN EFFECTIVE FORCE FOR CHANGE IN OUR SOCIETY ?

THE HART AND MILLER ISLANDS AREA ENVIRONMENTAL GROUP IS AN ORGANIZATION OF CONCERNED CITIZENS FROM THE BALTIMORE - MIDDLE RIVER - ESSEX AREA WHO BELIEVE THAT THEY CAN HELP CHANGE THE DEGENERATING CONDITIONS IN THE UPPER CHESAPEAKE BAY.

FIRST ORGANIZED IN NOVEMBER OF 1971 IN ORDER TO OPPOSE A STATE PROPOSAL TO DUMP DREDGE SPOILS FROM BALTIMORE HARBOR ON ONE OF THE FINEST RECREATION AREAS IN THE NORTHERN BAY, IT HAS ALREADY SWELLED ITS MEMBERSHIP TO OVER 750. ACTIVE MEMBERS HAVE TESTIFIED AT EVERY HEARING, WORKED TO GAIN THE SUPPORT OF PUBLIC OFFICIALS AND REPRESENTATIVES, AND PROVIDED THE PUBLIC WITH INFORMATION ABOUT THE ISLANDS AND THE PROPOSED SPOILS DUMPING PROJECT.

THE STATE OF MARYLAND HAS PROPOSED TO DIKE AND FILL AN 1100 ACRE SECTION OF THE CHESAPEAKE BAY WITH 50,000,000 CUBIC YARDS OF DREDGE SPOILS TAKEN FROM BALTIMORE HARBOR. MUCH OF THIS MATERIAL IS CONTAMINATED WITH POISONOUS METALS AND CHEMICALS, WHICH PRESENT A POTENTIAL THREAT TO THE ECOLOGY OF THE AREA. FURTHER, THE TWO ISLANDS - HART AND MILLER (LOCATED 1 MILE OFF THE MOUTH OF BACK RIVER) ARE USED EVERY YEAR BY THOUSANDS OF BOATERS AS A RECREATION AREA. THE SPOILS DUMPING WOULD SEVERELY DAMAGE THE ESTHETIC QUALITY OF THESE ISLANDS.

THE EFFORT TO SAVE THESE ISLANDS IS COSTLY AND TIME CONSUMING. WE NEED ALL THE HELP WE CAN GET. IF YOU ARE INTERESTED PLEASE FILL OUT THE FORMS BELOW.

REMEMBER - EVERY LITTLE BIT HELPS

MEMBERSHIP FORM: IF YOU ARE INTERESTED IN BECOMING A MEMBER - PLEASE FILL OUT THIS FORM AND MAIL TO:

THE HART AND MILLER ISLANDS AREA ENVIRONMENTAL GROUP, INC. 36 N. LINWOOD AVENUE  
BALTIMORE, MARYLAND 21224

NAME: \_\_\_\_\_ MEMBERSHIP FEE: \$10.00  
ADDRESS: \_\_\_\_\_ ENCLOSE CHECK: \_\_\_\_\_ CASH: \_\_\_\_\_ MONEY ORDER: \_\_\_\_\_  
\_\_\_\_\_  
(MAKE ALL CHECKS OR MONEY ORDERS PAYABLE TO:)  
\_\_\_\_\_  
THE HART & MILLER ISLANDS AREA ENVIRONMENTAL  
\_\_\_\_\_  
GROUP, INC.

URGENT: WE NEED AS MANY PEOPLE AS POSSIBLE TO WRITE TO THE SECRETARY OF THE ARMY TO EXPRESS THEIR OPPOSITION TO THIS PROPOSED DUMPING SITE. SEND YOUR LETTER TO:  
HONORABLE MARTIN HOFFMAN, SECRETARY OF THE ARMY  
DEPARTMENT OF THE ARMY - THE PENTAGON, WASHINGTON D.C. 20310  
THE HONORABLE WILLIAM LYONS DEPUTY UNDER SECRETARY

MAKE YOUR CONCERN COUNT!

DEPARTMENT OF THE INTERIOR  
18th AND C. STREETS  
WASHINGTON, D. C. 20240

WRITE TODAY !





United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

In Reply Refer To:  
ES/FWS  
14624

MAY 4 - 1977

Honorable Clarence D. Long  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Long:

This responds to your letter of March 7, 1977, concerning the proposed dike at Hart and Miller Islands. We have carefully considered each of the four requests in your letter. Our responses are provided below:

1. The Department of the Interior, in conducting its permit review program, ordinarily defers to the Corps of Engineers in matters involving engineering technology. In this case, however, it appears that there is sufficient cause for concern, with regard to the proposed dike structure, to request additional analysis and information from the Corps. Accordingly, we have forwarded to the Chief of Engineers a copy of a September 26, 1975, letter from Professor Hsiang Wang, of the University of Delaware College of Engineering, to the Secretary of the Maryland Department of General Services (copy enclosed), which raises interesting questions with regard to the proposed dike structure. This letter was called to our attention by citizen representatives at the recent meeting, to which you referred in your letter. In our letter to the Corps, (copy enclosed), we have requested that they advise this Department concerning efforts undertaken toward evaluation of matters raised in Professor Wang's letter and resolution of his concerns. Upon our receipt of the Corps' response, we will consider whether additional assessment of the proposed dike construction may be required to satisfy our concerns. We believe that this approach is preferable to our immediately undertaking a completely separate assessment of the dike construction, since some of the data provided by the Corps could help us to avoid duplication of previous efforts.

2. Should new evidence or information be forthcoming which indicates substantially greater environmental risk and damage than this Department assumed in its



previous review of the Hart-Miller dike proposal, we would seriously reconsider the present Department position. In such an instance, we would communicate to the Department of the Army any substantive changes of views or conclusions reached during our review, including a recommendation for revocation of the permit, if appropriate.

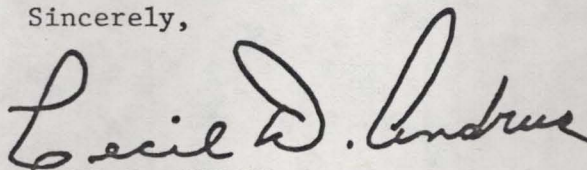
3. Consistent with Departmental regulations appearing in 43 C.F.R. 2.82 (1976), the Department of the Interior does permit its employees to testify in conjunction with litigation in which the United States is a party defendant. It has been the policy of the Department in the past to request the party seeking an employee's testimony to obtain subpoenas, or, where the employee is outside the jurisdiction of the court by subpoena, to encourage the use of depositions.

4. This Department could not become a party plaintiff to a lawsuit to block construction of the dike. The Department of Justice represents any agency of the Federal Government against whom litigation is brought which is not statutorily authorized to represent itself in court. In doing so, it represents the United States Government, of which this Department is a part.

Existing Federal procedures provide for resolution of legal differences between Federal agencies through the Attorney General's office, and for resolution of policy differences through the Office of Management and Budget. Should our further review of the Hart-Miller Islands permit matter identify legal or policy differences between this Department and the Department of the Army, we would be willing to seek resolution through the appropriate channels, irrespective of the pendency of any litigation.

Please be assured that this Department recognizes the immense ecological values of the Chesapeake Bay and that we keenly feel the responsibility to take all appropriate means to prevent unnecessary destruction or impairment of those values.

Sincerely,



CECIL D. ANDRUS  
SECRETARY

Enclosures



NEWS from

Congressman

CLARENCE D. LONG

2nd DISTRICT, MARYLAND

*Racer*

COMMITTEE ON  
APPROPRIATIONS

CHAIRMAN:  
SUBCOMMITTEE ON  
FOREIGN OPERATIONS

2304 RAYBURN BUILDING  
WASHINGTON, D.C. 20515

(202) 225-3061

printed on recycled paper

FOR IMMEDIATE RELEASE

Thursday, June 16, 1977

#95-1-48

Contact: Barbara Reno

Washington, D.C.--Secretary of the Interior Cecil Andrus has advised Rep. Clarence D. Long (D-Md.) that the Department of the Interior is reviewing its previous acquiescence to the Army Corps of Engineers permit for the Hart-Miller Island diked spoil disposal area.

The Maryland Congressman also reported that the Public Works Appropriations Subcommittee has directed the Corps of Engineers to "study alternative spoil disposal sites and spoil disposal techniques" in its consideration of the proposed deepening of the Baltimore Harbor and Channels.

Official report language in the Fiscal 1978 Public Works bill was characterized by Long as "putting the Corps on notice that it will be expected to avoid relying on the Hart-Miller site, which will be tied up in court" as the only spoil disposal site. The Corps is now preparing plans for the proposed port improvement.

The Committee report, approved by the House June 14, stipulates that "the Corps' advanced engineering and design report and environmental impact statement on the proposed Harbor deepening . . . address the disposal requirements of the project for both initial construction and subsequent maintenance."

"If the Corps had done an adequate job of examining alternatives to Hart-Miller," charged Long, "there would be little trouble applying that data to the Harbor deepening study as well."

-more-



The Department of the Interior reconsideration, Secretary Andrus advised Long, is based on new evidence that the Corps of Engineers failed to provide full information to Interior officials considering the Dike proposal.

"In this case," said Andrus, "it appears that there is sufficient cause for concern, with regard to the proposed dike structure, to request additional analysis and information from the Corps."

"Should new evidence or information be forthcoming which indicates substantially greater environmental risk and damage than this Department assumed in its previous review of the Hart-Miller Dike Proposal," Long was told, "we would seriously reconsider the present Department position."

A restudy by the Interior Department received encouragement from the House Appropriations Committee. In its official report on Fiscal 1978 Interior Appropriations, the Committee applauded "Secretary Andrus' announced intention to reassess the Departmental position on this project, recognizing that the Chesapeake Bay is one of our great national assets and that further threats to its environmental integrity must be met with strong opposition in order to preserve the Bay's delicate ecological structure."

The Committee also "encourages the Department of the Interior to pursue an unbiased fresh investigation of this proposed project."

# # #

Ed. note: Copies of report language from the FY 78 Public Works Appropriations bill and the FY 78 Interior Appropriations bill are attached.



95TH CONGRESS } HOUSE OF REPRESENTATIVES } REPORT  
1st Session } No. 95-392

DEPARTMENT OF THE INTERIOR AND RELATED  
AGENCIES APPROPRIATION BILL, 1978

JUNE 6, 1977.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

Mr. YATES of Illinois, from the Committee on Appropriations,  
submitted the following

REPORT

[To accompany H.R. 7636]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1978. The bill provides regular annual appropriations for the Department of the Interior (except Bonneville Power Administration, Bureau of Reclamation, Southeastern Power Administration, Southwestern Power Administration, and Alaska Power Administration) and for other related agencies, including the U.S. Forest Service, the Energy Research and Development Administration, the Federal Energy Administration, the Smithsonian Institution, and the National Foundation on the Arts and the Humanities.

(Pg. 28)

CHESAPEAKE BAY DIKED DISPOSAL AREA

The Committee has been aware for some time of the Fish and Wildlife Service's vigorous opposition to the application by the State of Maryland for a Corps of Engineers permit to construct a 2-square-mile diked spoil disposal area in the upper Chesapeake Bay, on and near Hart and Miller Islands. The sand dike, the operational integrity of which has been repeatedly questioned, would—according to the Corps' Environmental Impact Statement—be used to hold heavily contaminated spoil from the Baltimore Harbor and Channels, including material contaminated with poisonous chemicals and heavy metals. The dredged spoil would be barged or piped several miles from the channels to the Hart-Miller site and piped into the dike enclosure.

Despite the Fish and Wildlife Service's adamant opposition to the permit, the Committee is advised that Department of Interior officials last fall overrode their own agency's advice and decided to allow the issuance of the Corps of Engineers permit.

The Committee applauds Secretary Andrus' announced intention to reassess the Departmental position on this project, recognizing that the Chesapeake Bay is one of our great national assets and that further threats to its environmental integrity must be met with strong opposition in order to preserve the Bay's delicate ecological structure. The Committee encourages the Department of the Interior to pursue an unbiased fresh investigation of this proposed project.



From the office of CONGRESSMAN CLARENCE D. LONG

95TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT  
1st Session } { No. 95-379

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT  
AND ENERGY RESEARCH APPROPRIATION BILL, 1978

JUNE 2, 1977.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. BEVILL, from the Committee on Appropriations,  
submitted the following

REPORT

together with

ADDITIONAL AND MINORITY VIEWS

[To accompany H.R. 7553]

The Committee on Appropriations submits the following report  
in explanation of the accompanying bill making appropriations for  
Public Works for water and power development and energy research,  
for the fiscal year ending September 30, 1978, and for other purposes.

\*-\*-\*-\*

(Pg. 67)

*Baltimore Harbor and Channels, Md. and Va.*—The Committee recognizes the economic importance of our nation's harbors, but also recognizes our national commitment to prevent harm to our estuaries and marshlands.

The Committee has learned that the Army Corps of Engineers has issued a permit to build a diked area of about 1,100 acres on and around Hart and Miller Islands in the upper Chesapeake Bay for the dumping of dredged material from maintenance of the Baltimore Harbor. This site would also be used for material from the deepening of Baltimore Harbor and Channels to 50 feet—a project the study of which this year receives its second increment of funding.

The Committee has been advised that this permit to the State of Maryland was issued after exhaustive environmental and engineering studies. The U.S. Fish and Wildlife Service and the National Marine Fisheries, two agencies with extensive expertise in wildlife and wetlands preservation, reluctantly agreed to issuance of the permit. The Committee recognizes that the State must provide disposal areas for the maintenance of the existing project and for the proposed deepening.

The Committee stipulates that the Corps' advanced engineering and design report and environmental impact statement on the proposed Harbor deepening will address the spoil disposal requirements of the project for both initial construction and subsequent maintenance.

The Corps should study any alternative spoil disposal sites and spoil disposal techniques. The Committee expects that prior to completion of advance engineering and design the Corps will present any alternatives to the Committee for its review.



STATEMENT OF THE HART AND MILLER AREA ENVIRONMENTAL GROUP

MONDAY JUNE 20, 1977

ON JUNE 20, 1977, CITIZENS CONCERNED ABOUT THE ENVIRONMENT SPEARHEADED BY THE HART AND MILLER AREA ENVIRONMENTAL GROUP, CONGRESSMAN CLARENCE LONG, STATE SENATOR NORMAN STONE AND OTHERS WILL FILE SUIT IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND TO HALT CONSTRUCTION OF AN 18 FOOT HIGH SAND PILE AND ROCK DIKED ENCLOSURE AT HART AND MILLER ISLANDS IN THE NORTHERN PART OF THE CHESAPEAKE BAY.

HAVING EXHAUSTED EVERY AVENUE OF OBJECTION, IN A PROPER AND DIGNIFIED MANNER, WE ARE OBLIGED TO GO TO COURT TO CHALLENGE THE CORPS OF ENGINEERS JUSTIFICATION IN APPROVING A PERMIT FOR A CONTAINMENT FACILITY TO HOUSE APPROXIMATELY 52 MILLION CUBIC YARDS OF CONTAMINATED DREDGED MATERIAL FROM THE BALTIMORE. HARBOR.

SINCE FEBRUARY 23, 1972, WHEN THE MARYLAND GENERAL ~~ASSEMBLY~~ SERVICE ADMINISTRATION APPLIED FOR A DEPARTMENT OF THE ARMY PERMIT, UNTIL NOVEMBER 22, 1976 WHEN THE CORPS OF ENGINEERS OFFICIALLY ISSUED THE PERMIT, WE HAVE ATTEMPTED TO COMMUNICATE CITIZEN OBJECTIONS TO CORPS AND STATE OFFICIALS. THOSE IN AUTHORITY REFUSED TO LISTEN TO CONSTRUCTIVE AND REASONABLE ALTERNATIVES.



WITH THE LONG TERM GOAL IN MARYLAND TO ELIMINATE UNCONFINED OVERBOARD DISPOSAL OF SPOIL, AND RECOGNIZING THAT DREDGING MUST TAKE PLACE, DIKING APPEARS TO BE THE STRATEGY FOR CONFINMENT OF DREDGED SPOIL MATERIAL. BUT IT IS A KNOWN FACT THAT DIKES HAVE THEIR PROBLEMS TOO. THEY BREAK AND LEAK WITH DISASTROUS CONSEQUENCES. DIKES, AFTER ALL, ARE EARTHEN STRUCTURES WHICH ARE SUBJECT TO EROSION AND DETERIORATION.

THE LONG RANGE ANSWER TO THE PROBLEM AND ONE WHICH THE STATE SHOULD HAVE BEEN PURSUING FOR THE PAST FIVE YEARS IS TO UTILIZE DREDGE MATERIAL AS A MANAGEABLE RESOURCE.

IN 1974 THE STATE OF MARYLAND ENTERED INTO A STUDY PREPARED BY ROY WESTON, ENVIRONMENTAL SCIENTISTS AND ENGINEERS. THE CONCLUSION OF THE STUDY SAID, A LIGHTWEIGHT AGGREGATE IN QUALITY TO COMPETITIVE PRODUCTS COULD BE PRODUCED FROM BALTIMORE HARBOR SPOIL, AND NO MAJOR TECHNOLOGICAL BREAKTHROUGH APPEAR NECESSARY TO ACHIEVE COMMERCIALIZATION.

THE STATE OF MARYLAND LOST PRECIOUS YEARS IN NOT PURSUING THE FINDINGS OF THIS REPORT. IN COOPERATION WITH THE CORPS OF ENGINEERS DREDGED MATERIAL RESEARCH PROGRAM AND UNIVERSITY RESEARCH INSTITUTES THE STATE OF MARYLAND COULD LEAD THE COUNTRY AND THE WORLD IN REFINING AN ECONOMICALLY FEASIBLE METHOD IN DEVELOPING A POSITIVE USE OF DREDGED MATERIAL. A MULTI-USE CONTAINMENT FACILITY IN THE BALTIMORE HARBOR, WOULD KEEP OUR PORT AT PROPER DEPTHS AND AT THE SAME TIME USE DREDGED MATERIAL AS A MANAGABLE RESOURCE BENEFICIAL TO MANKIND.



HARBOR SITES CAPABLE OF SOLVING THE IMMEDIATE MAINTENANCE DREDGING PROBLEMS OF THE PORT OF BALTIMORE, ARE AVAILABLE. HARBOR SITES LIKE COLGATE CREEK AND SOLLERS POINT, AS RECOMMENDED IN THE STATE SPONSORED ROY MANN REPORT, WOULD NOT ONLY HAVE BEEN AVAILABLE BUT WOULD ALSO HELP TO CREATE MUCH NEEDED BULKHEADED HARBOR INDUSTRIAL LAND, PART OF WHICH WOULD BE USED AS AN EXPERIMENTAL MULTI-USE FACILITY TO TURN UNWANTED DREDGE MATERIAL INTO WANTED AND USEFUL PRODUCTS,

A DIKE AS PROPOSED AT HART AND MILLER ISLANDS WOULD NOT SOLVE THE DREDGED MATERIAL PROBLEMS OF THE CHESAPEAKE BAY. IT WILL COMPOUND THE PROBLEM.

HAVING SAID ALL THIS AND BEEN TOTALLY IGNORED WE NOW MOVE TO THE NEXT PLATEAU, IMMEDIATE COURT ACTION. THE THRUST OF OUR ELEVEN COUNT SUIT AT THIS POINT IS:

TO CHALLENGE THE CORPS OF ENGINEERS AUTHORITY TO AUTHORIZE CONSTRUCTION OF A DIKED FACILITY IN NAVIGABLE WATERS AFFECTING SEVERAL STATES, WITHOUT CONGRESSIONAL APPROVAL.

TO QUESTION THE INTEGRITY OF THE DIKE AND THE SUITABILITY OF THE FOUNDATION UPON WHICH THE DIKE IS TO BE BUILT - A FOUNDATION OF DOUBTFUL CHARACTERISTICS. WE WILL SHOW, WITH EXPERT TESTIMONY, THERE IS NO EVIDENCE THAT BOTTOM CONDITIONS AT THE PROPOSED LOCATION ARE SUFFICIENT TO SUPPORT A CONTAINMENT FACILITY OF THE SIZE AND MAGNITUDE ENCOMPASSING TWO SQUARE MILES OF HEAVY LADEN DREDGED MATERIAL. ALSO, THERE IS NO EVIDENCE TO SHOW THERE IS SUFFICIENT SAND TO CONSTRUCT A FACILITY OF THIS MAGNITUDE.



TO SHOW THAT THE COST FACTORS IN THE ORIGINAL STATE SPONSORED REPORT ARE MISLEADINGLY LOW AND THE ENVIRONMENTAL IMPACT STATEMENT IS INVALID AND INACCURATE WITH REGARD TO COST ANALYSIS OF THE DIKE. IN FACT, THE COST, WHICH THE ORIGINAL STATE SPONSORED REPORT SAID WAS THE GREATEST ADVANTAGE OVER OTHER SITES WILL PROVE TO BE, IN EXPERT TESTIMONY WE ARE PREPARED TO PRESENT, ONE OF THE MOST GLARING ERRORS AND MISCALCULATIONS ON THE PART OF SO CALLED EXPERTS WHICH THE STATE OF MARYLAND RELIED UPON.

OUR SUIT WILL SHOW THAT NO PRUDENT ALTERNATIVES HAD BEEN ADEQUATELY CONSIDERED. WHEN THE EVALUATION OF ALTERNATIVES (SITES) WERE PRESENTED BY STATE CONSULTANTS TRIDENT ENGINEERING AND GREEN ASSOCIATES, WHICH RECOMMENDED HART-MILLER, THE SELECTION WAS BASED INPART UPON THE ABILITY TO CONTAIN 100 MILLION CUBIC YARDS OF DREDGED MATERIAL. MANY SITES WERE REJECTED DUE TO THE FACT THEY DID NOT HAVE THIS CAPACITY. THE PRESENT SITE WILL CONTAIN ONLY 52 MILLION CUBIC YARDS OF HARBOR BOTTOM. OTHER SITES THAT WERE REJECTED SHOULD HAVE BEEN RE-EVALUATED WHEN THE PROJECT CAPACITY WAS CHANGED.

WE WILL SHOW THAT THE CORPS OF ENGINEERS IGNORED THE ENVIRONMENTAL EFFECTS OF DREDGING A 35 FOOT ACCESS CHANNEL. IN ADDITION, ALL STUDIES ON THE PROPOSED 50 FOOT CHANNEL WERE DONE IN THE 1960s<sup>2</sup> AND ACCORDING TO THE CHIEF OF PLANNING FOR THE CORPS OF ENGINEERS, MANY OF ITS FINDINGS ARE OUTDATED AND HAVE BEEN VOIDED BY TIME. IF WE DON'T NEED A 50 FOOT CHANNEL WE DON'T NEED A DIKE THE SIZE OF HART-MILLER.



OUR SUIT WILL SHOW THAT LOCAL LAWS HAVE NOT BEEN FULLY  
COMPLIED WITH.

WE WILL SHOW THE CORPS OF ENGINEERS WAS INDIFFERENT TO THE  
ADVICE OF A WORLD RENOWN DIKE EXPERT FROM THE UNIVERSITY OF DELAWARE  
COLLEGE OF ENGINEERING, PROFESSOR HSIANG WANG. PROFESSOR WANG SAID THE  
PROPOSED DIKE STRUCTURE AS DESIGNED, "IS BEYOND THE STATE OF THE ART"  
AND EXPRESSED A WILLINGNESS TO MEET WITH THE CORPS AND OTHERS INVOLVED.  
THE CORPS IGNORED THE PROFESSORS SUGGESTION AND REBUFFED HIS GOOD IN-  
TENTIONS.

OUR COMPLAINT WILL ALSO INDICATE THE CORPS INDIFFERENCE TO  
THE BEST INTERESTS OF THE ENVIRONMENT AND ITS INDIFFERENCE TO THE  
CLAMOR OF THE PUBLIC AGAINST THIS PROPOSED INCOMPTETENT FACILITY.

THE APPREHENSION OF A DIKE AT HART AND MILLER ISLANDS  
RUPTURING AND CREATING HAVOC IS PREDICATED ON BOTH CAUSE AND PRECEDENT.

OUR PRIMARY CONCERN AS CITIZENS AND INHABITANTS OF THE CHESA-  
PEAKE BAY IS FOR THE FUTURE WELFARE OF OUR STATES' MOST IMPORTANT NATURAL  
RESOURCE. THE FRIGHTENING POSSIBILITY OF A RUPTURED DIKE AT HART AND  
MILLER ISLANDS IS A REAL DANGER TO THAT RESOURCE.

WHEN FEDERAL OR STATE AGENCIES FAIL TO CARRY OUT THEIR RE-  
SPONSIBILITIES TO PROTECT THE ENVIRONMENTAL INTEGRITY OF THE CHESAPEAKE  
BAY THEN CITIZENS WHO WILL BE AFFECTED HAVE NO ALTERNATIVE OTHER THEN  
LEGAL RECOURSE.

JOSEPH BORMEL, PRESIDENT

HART-MILLER ISLANDS AREA ENVIRONMENTAL GROUP



# 153

## Save The Islands

A group formed for  
the sole purpose of  
preventing the destruction  
of Hart & Miller's Islands  
in the Chesapeake Bay

DECEMBER 22, 1976

DEAR FELLOW MARYLANDER:

THE ARMY CORPS OF ENGINEERS HAS ISSUED A PERMIT ALLOWING THE STATE OF MARYLAND TO USE HART AND MILLER ISLANDS AS A DREDGE-SPOIL DUMPING SITE. THIS WILL PROVE ENVIRONMENTALLY DAMAGING TO THE UPPER PART OF THE CHESAPEAKE BAY.

THE SURROUNDING WATERS WILL BECOME POISONED WITH BACTERIA AND TOXIC METALS. ALSO, AN UNPROVEN DIKE AT THIS LOCATION WILL CHANGE THE RESIDENTIAL AND RECREATIONAL CHARACTER OF THE AREA.

IT IS THE OBLIGATION OF ALL CITIZENS TO PREVENT THE CONSTRUCTION OF THIS FACILITY WHICH HAS BEEN TERMED "ENVIRONMENTALLY AND STRUCTURALLY INADEQUATE" IN A STATE SPONSORED REPORT.

THE PEOPLE OF MARYLAND HAVE Banded TOGETHER AND ARE PREPARING TO CHALLENGE IN COURT THE TRADE-OFF OF TWO SQUARE MILES OF CLEAN BAY WATER FOR TWO SQUARE MILES OF POLLUTED, INFERTILE AND HIGHLY QUESTIONABLE LAND.

THE BATTLE TO PRESERVE THE BAY FOR OURSELVES AND OUR CHILDREN NEEDS YOUR SUPPORT TO HELP DEFRAY THE COST OF A LEGAL CONFRONTATION WITH THE CORPS OF ENGINEERS AND THE STATE OF MARYLAND.

PLEASE ADDRESS A CHECK FOR \$5.00 OR MORE TO:

HART AND MILLER ISLANDS DEFENSE FUND AND MAIL IN THE ENCLOSED ENVELOPE.

THANK YOU ONCE AGAIN FOR YOUR INTEREST AND CONCERN, AND A HAPPY HOLIDAY SEASON TO YOU AND YOURS.

SINCERELY YOURS,

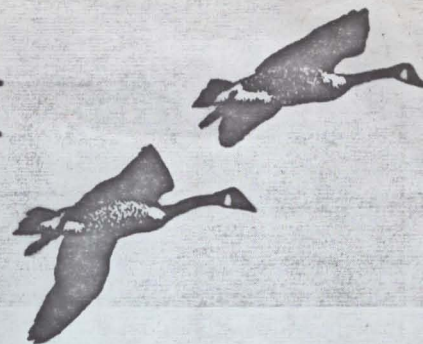
*Joseph Bormel*

JOSEPH BORMEL, PRESIDENT

HART AND MILLER ISLANDS AREA ENVIRONMENTAL GROUP



# maryland FISH and WILDLIFE news



June 1975

Vol. 5, No. 5

## State Agencies Report on Hart-Miller Island Containment

The Department of Natural Resources has asked the U.S. Army Corps of Engineers to act "without further delay" on the merits of the proposal to construct a dredgings containment area adjacent to Hart and Miller Islands and convert it into a waterside park.

The call for action by the Corps came from Natural Resources Secretary James B. Coulter at a public hearing in Baltimore when departmental agency heads listed reasons why the Hart-Miller proposal is environmentally sound.

Dr. Kenneth N. Weaver, director of DNR's Geological Survey, pointed out that "construction of the diked disposal will preserve a large portion of the two islands as they presently exist."

Without it, he said, both islands will erode away to nothing within the next three to seven decades.

In the last eight years alone, he said, Hart Island has lost ten acres and Miller Island, seven acres.

On the positive side, Dr. Weaver said, the project not only will save the islands, but will provide additional beach areas on the Hawk Cove side.

Robert J. Rubelmann, chief of the Fisheries Administration, said the proposal would "provide a satisfactory alternative to overboard disposal of contaminated spoil material, thereby removing a serious threat to the fisheries resources of the upper Chesapeake Bay."

He said Hart-Miller fit these criteria:

The area was one in which no viable oyster bars or clam beds existed, or could reasonably be expected to be developed.

It is reasonably distant from viable shellfish beds bottom to minimize potential damage from accidents or spills.

It has virtually no fish spawning ground or nursery area.

It is an area where adjacent water could benefit by diversification of habitat produced by rip rap walls in the form of improved fishing and crabbing.

Roy W. Rafter, superintendent of the Natural Resources Police Force, said he was "in full support" of the project.

He said concerns that bayside rock walls of the containment area would create a hazard to navigation were unfounded.

"Of 808 boating accidents reported during the last four years," he testified, "only two involved boats striking jetties or rock piles and both occurred between sunset and sunrise."

"It is my belief, based on experience, that the proposed dike, properly lighted, will not create a hazard for boatmen traveling the area, especially at night."

"In addition, the two-mile diked area will serve as a breakwater, keeping the waters of Hawk Cove relatively calm during heavy winds from the east and southeast."

From the department's Wildlife Administration chief, Ralph Bitely, came this statement:

"Because of erosion, habitat for wildlife on the islands would be lost in 70 years for Hart Island and 34 years for Miller Island. Construction of the dike will afford protection of habitat on the islands and create additional upland habitat on the stabilized spoil within the dike. These factors, in conjunction with the benefits associated with increased water quality as a result of termination of open Bay dumping, make loss of the 1100 acres of shallow water bottom an acceptable trade-off."

Fred L. Eskew, Assistant Secretary for Capital Programs, testified that a boating facility could be constructed at the Hart-Miller site and other recreational activities at the area would include sunbathing, beachcombing, picnicking, crabbing, fishing, bird watching and informal games.

He concluded:

"It is the intention of the Department to develop a master plan for the area through use of a steering committee made up of local citizens and government officials. Final development and use of the area will thereby be in harmony with the views of neighboring residences and with local land-use plans."

William A. Parr, director of Maryland Park Service, said the "Hart and Miller Island complex will provide Maryland with one of its finest parks."

(Continued on Page 2)



# FISH and WILDLIFE NEWS

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James B. Coulter, Secretary

Malcolm E. King, Editor

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## HART-MILLER ISLAND CONTAINMENT

(Continued from Page 1)

He added:

"As soon as the islands are acquired, one of the first stages of construction will be the reestablishment of the beach between Hart and Miller Islands. This will make a considerable amount of additional beach available for use."

Herbert M. Sachs, director of the Water Resources Administration, testified:

"In summary, we have determined that the principles involved in the design and operation of a sand core containment area should insure an effluent of acceptable quality. In the event that something unforeseen should occur, there is ample technology and expertise available to provide additional treatment of the total effluent released to achieve that same level of quality."

"Additionally, the Water Resources Administration will continue monitoring ambient water quality at Hart-Miller Islands, and will monitor for, and insist upon, compliance with all standards and criteria as stated in this presentation."

Thomas D. McKewen, director of the Maryland Environmental Service, said operation of the dike will be of such a nature to:

1. Prevent environmental damage and nuisances beyond the containment area.
2. Permit recreational uses of the islands and adjacent waters during the operation of the project.
3. Provide efficient utilization of the available containment volume.
4. Support ultimate desired land uses.

Principal tool to accomplish these objectives would be a permit system to provide necessary information about dredged materials before their delivery to the containment site. Also unloading facilities and controls will minimize risks of pollution, he said.

Two of the principal points made by Mr. Coulter were:

"Much of the local opposition to this proposal comes from a deep-rooted fear that a park is promised but after the land is created, industry will occupy it. That fear is groundless and, thus, the opposition based on that fear is without merit. The Board of Public Works, Maryland's General Assembly, and Maryland's governor have made commitments which will insure that the island complex will be devoted to public recreation commencing on the first day that the State purchases the islands and continuing even during the construction and filling phases of the project."

"To give assurance that the completed complex will continue to be used for public recreation, the State has sought federal assistance through a Bureau of Outdoor Recreation grant. The Secretary of the Interior has given his endorsement of the use of the complex for recreation and open space if it is constructed."

"Once State funds earmarked for recreation are used to purchase or develop land for park purposes, funding and legal safeguards make it extremely difficult to convert the land to industrial use. To my knowledge, in the history of the state, a park has never been abandoned in that fashion. In fact, it is extremely difficult to secure rights-of-way for essential public utilities across established parks."

And,

"If, for political reasons, our recommendation is rejected and a more damaging site is finally selected, let's recognize that a political decision has been made and get on with what has to be done. But, let's not mislead people into believing that we have found a superior environmental site unless, in fact, one has been found."

"I cannot change for political expediency what we believe on the face of scientifically sound investigation to be the correct environmental recommendation. That is not a function of my office because State laws do not give me the latitude to make political decisions."

"Political decisions are the most powerful decisions in the land and they should be made by properly elected legislative bodies. In that regard, during the last session of Maryland's General Assembly, numerous bills were introduced which would have legally prevented the construction of the Hart-Miller Islands complex. Every measure of that type was soundly defeated. The intent of Maryland's General Assembly is clear. The law-making body of the State wants this issue to be judged on economic and environmental merits and not on the basis of political preference."

William Jabine II  
Chief, Information Services

1975-76  
THE YEAR TO  
"KEEP MARYLAND BEAUTIFUL"  
FOR THE BICENTENNIAL



## Delegate's Corner

# Letter voices concern on Hart-Miller decision

**By Delegate Michael Collins**

Perhaps you will think it presumptuous of a freshman legislator to write the letter I have just written to the Governor, but it is a letter that I would have been impelled to write as a private citizen.

By this time, I'm sure that you are aware the Governor has decided to by-pass the courts and push Congress to approve the Hart-Miller Islands as a depository of harbor spoils. Herewith, a copy of my letter:

Dear Governor Hughes:

The Seventh Legislative District would think me a poor representative, indeed, if I did not reply to the implications contained in your speech at the seminar, sponsored by the Maryland Port Administration, at Johns Hopkins University.

First, you implied that the people in our district are against dredging of the harbor. Disposal, not dredging is the issue. We are, proudly, a working-man's district and understand fully that the port is essential to our livelihood.

But, we also realize that the bay and its shores are are priceless, irreplaceable natural resources.

Second, with your remark, "...I am confident statesmanship will prevail..." you implied that the political leadership in this district is less than desirable.

If to be a statesman is to disregard the concerns of the people in one's district, then, perhaps your implication is correct.

But is it statesmanship to follow the dictates of commerce alone? Does not

statesmanship carry with it the mandate of taking the time to seek the solutions that do the least damage to both industry and environment?

Third, you said that you are, "...prepared to take whatever political heat is necessary to bring the facts to light." The facts are simple: (1) the port needs to be dredged, (2) the harbor muck needs disposal and (3) in the over eight-year fight to keep these spoils out of the upper bay, most people of this district believe that there has been no meaningful attempt on the part of previous state executives to pursue alternative solutions.

I respectfully request that before you continue with your proposal to circumvent our people, that you consult with their elected district repre-

sentatives. (end of letter)

Copies of this letter have gone to Congressman Long, and Senators Paul Sarbanes and Charles Mathias.

Well, this really is a now-or-never situation. If you feel strongly about Hart-Miller Islands, then your voice must be heard. The political realities of the situation require that you write your wishes to your representatives in Congress (both houses) and, of course, to the Governor of Maryland.

It is important, at this time, that individual pieces of correspondence (a brief letter, postal card, mailgram or telegram) are received.

It is not the length of your message that is important; it is your concern that will tell the story. It would also be helpful if you would send a copy to me at 418 Eastern Boulevard, Essex, 21221. /



# Residents Tell Mandel 'No' To Hart-Miller Dike

By Ronald DeCicco

Taking advantage of what may have been their last chance, Dundalk area residents and elected officials spoke out against the use of Hart and Miller Islands as a site for dredge disposal in a hearing held before Gov. Marvin Mandel and State Comptroller Louis L. Goldstein Monday afternoon in Annapolis.

Any promise of a final decision on the Hart-Miller issue was thwarted by the absence of State Treasurer William S. James, whose son was involved in an auto accident Sunday night.

What ensued Monday was the now familiar battle between environmentalists and

homeowners on one side of the fence, and big business and organized labor on the other.

Along the way, James B. Coulter, secretary of natural resources, was blasted by Joseph Bormel, president of the Hart Miller Islands Area Environmental Group, but defended by both the governor and the state comptroller.

Comparing Sec. Coulter to Brutus, Mr. Bormel said "Mr. Coulter is charged with protecting the natural resources of this state. He has bent every effort to destroy 1,200 acres of clean bay water which he has vowed to protect."

This remark, and those of at least one other speaker, beckoned the governor

himself to employ Shakespeare. "We can disagree without being disagreeable," said Mr. Mandel, and called Mr. Coulter "one of the finest public servants in this country," and added that personality attacks had no place "in these kinds of hearings."

By rejecting the findings of the Roy Mann Report, Mr. Coulter contradicted an earlier promise to "go along" with the findings of the report filed in early August.

The Roy Mann Report ranked the Hart and Miller Islands sites third most desirable out of a possible 10, and called the site "unsuitable as proposed." Colgate Creek and Sollers Point were ranked ahead of Hart-Miller.

Proponents of the Hart-Miller site included Mr.

Coulter; Lawrence Goldstein, state hearing officer; Edward Lamon, a representative of the Maryland-D.C. AFL-CIO; James E. Harmon, executive member of Shipbuilders Union Local 33; Lee Matholin, a member of the Maryland State Chamber of Commerce, and a Chesapeake Bay marine biologist.

Proponents said the Hart-Miller site was necessary because channels are too shallow to allow fully loaded cargoes to enter the port. Pressed by Mr. Bormel to name ships that were turned away for this reason, only one ship, the "Manhattan," came immediately to mind.

More business for the port, additional jobs, and the cost of \$3 million a year to delay action were additional reasons cited by proponents.

"We just can't keep going  
(Continued to Page A-2)

on and on," said Gov. Mandel. "With costs going up about 12 per cent a year, each year we delay costs the state \$3 million a year. The time for decision has come."

Mr. Coulter testified at the hearing he could see "no reason to change the recommendation of the Department of Natural Resources."

Opponents of the islands as a dredge disposal site included Senators Norman R. Stone Jr. and Donald P. Hutchinson; majority leader of the House of Delegates, John Arnick; County Councilman John O'Rourke (Dem.-7th.); Mr. Bormel and Edward B. Rybczynski, both members of the Hart and Miller Islands Area Environmental Group; and Virginia Tolbert, president of the North Point Community Coordinating Council.

A written statement was sent by County Executive Ted Venetoulis, and Jean O'Neill, from the office of Rep. Clarence Long, voiced the representative's disapproval of the proposed Hart-Miller

relying on a supposedly impartial report."

Edward Rybczynski told the board "the buck stops here," and promised a "strong attack within the court" if Hart and Miller Islands become the official site.

Councilman John O'Rourke: "We cannot bear the burden of any more industry in that area. It'll be a hundred years before any land can be used for recreational purposes in that area." He urged the board not to ignore the citizens of Baltimore County.

Del. Arnick said the Board of Public Works should "get restrictions" if Hart-Miller becomes the official selection. "The only hope we have is the Army Corps of Engineers."

Virginia Tolbert asked the board why a depth of 50 feet was needed in the inner harbor to bring in shipping when the Harbor Tunnel is only 45 feet deep.

By using this set of figures it would seem that dredging would not benefit industry in the inner harbor, but those industries in the outer harbor, specifically the Bethlehem Steel Corporation.

"This is the last decent area

Sen. Hutchinson told the board that Hart-Miller was a question of "economics versus environment. You can't weigh one against the other. You have two separate problems."

When the governor reported there existed a "serious question on the reliability of the Roy Mann Report" because they were not hired, according to Mr. Mandel, to go into the building of the dike but to look at the sites, Sen. Stone countered.

"The Roy Mann people would have been derelict if they did not look into the construction of the site. They used information from the Department of Natural Resources. I'm no engineer—that's been the trouble all along. We're lay people

we have," said Mrs. Tolbert. "To us, it's just a ripoff."

By far, the most documented remarks of the afternoon came from Mr. Bormel of the environmental group. Reading from a prepared statement 19 pages long, he was stopped when a little more than halfway through his testimony.

Mr. Bormel and his environmental group recommended that other harbor sites in addition to Sollers Point and Colgate Creek should be used to contain the spoil material, and that the Hart and Miller Islands be retained as a wildlife preserve.

The group's recommendations also urged federal representatives to re-evaluate the need for a 50-foot channel.



# Craney Is. Eroding a Community

by William Pacer

*(This is the sixth article in a series on the spoil disposal area at Craney Island, which some people believe is comparable to the proposed dike at Hart and Miller Islands).*

**PORTSMOUTH, VA:** P.A. Wilhite declared, "I don't know if this has anything to do with Craney Island (but) we had a massive pine tree (here). There were broken trees and stumps that existed on this point (when I came here in the early 1950's). There were living pine trees on (my) lot and each adjacent lot—large pine trees."

He added sadly, "These all fell victim of Hampton Roads."

It did not take an astute observer to comprehend the accuracy of his statement. Few trees cared to resist nature's watery domain.

Erosion annoyances were also noted by Walter Galliford and Walter Griggs. Since 1955, Griggs's property has eroded 50 feet. Galliford, a resident of River Shore Road since 1968, was more fortunate. "If we had not bulkheaded it, we would have had bad erosion problems. And even with the bulkhead, we (have some erosion). Several lots down . . . they are not bulkheaded, and there is erosion."

However, like Wilhite, they declined to point an accusing finger at the neighboring spoil disposal site. Griggs stated, "In fairness . . . I don't think there is any relationship. I think it is just an act of nature that beach shape will change gradually."

But, Galliford refused to totally absolve the dredge dump. "I couldn't say what effect Craney Island has had. There has always been erosion along here."

Yet, land erosion is calculable with a slide rule; other types of erosion defy unemotional measurement.

And while the residents seek solutions, sea lettuce floats on the tranquil sea.

"We've had that stuff for several years," disclosed Wil-

hite. "I think sea lettuce is more likely to occur in relatively slow moving waters."

Lloyd Walker exclaimed, "You can see the sea lettuce . . . and that gives off a bunch of gas. It's not a very desirable thing to have."

Wilhite indicated he had no quarrels with the odors that occasionally visit the district because, "I am blessed with a bad sense of smell."

To their dismay, his neighbors are not as lucky.

"When the level of fill in the disposal area exceeds the level of high tide, the odors from it (are) obviously, very pronounced," stated Griggs, an area resident for twenty years. "We don't have any smell right now, because the

material is under water."

Although there is some debate as to whether the fragrance emanates from Craney Island or the adjacent Portsmouth dump, the residents have no doubt.

Declared John Tuttle, President of the River Shore Road Civic League, "We had the smell before the City of Portsmouth decided to put their dump next to Craney Island."

Walker testified, "The odors are obviously from Craney Island. There are odors when you go by. It's terrible. And when the prevailing winds are in your direction, you might get some (where we are). There are no odors right now, but in the beginning it was horrible. As they pump in at certain times, you do get those odors."

Griggs confirmed, "The odor is from the mud deposit that has a lot of organic matter."

But, according to Tom Womble, "The area is afflicted with the stench very seldom. When we get a right good strong wind, and if they just dumped some fresh dredge, we do get some (smell)." He did mention that if he was located closer to the spoil site, the odor would be more objectionable.

However, those invisible gases that cause noses to shreek in terror and eyes to water, provided an additional source of annoyance.

"I understand that the closest house (to Craney Island) had to be painted as a result of all this chemical problem from the silt," said Walker.

Walter Griggs explained, "The dredge pipes are moved occasionally to distribute the dredge material in the disposal area. About two years ago, the pipes were brought close to the corner where the houses are. The odors and fumes from it apparently destroyed the paint on the first house."

In a letter sent to Maryland Congressman Clarence D. Long (D. 2nd) on February 22, 1972, Colonel James H. Tormey, who was at the time the Norfolk District Engineer for the Army Corps of Engineers, mentioned complaints concerning the burning of debris in Craney Island. Tormey added, "I cannot support the allegation that smoke from the disposal area has damaged paint on an adjacent house."

However, the area residents claim that the peeling paint problems were the direct result, not of debris burning, but of the proximity of the dredge spoil pipe to the affected dwelling. Although Mr. and Mrs. C.A. Jones, residents of the house involved, were unavailable for comment, in previous statements they alleged that when the foul smelling material poured from a

pipe situated near their property, flies covered the screens.

Although representatives of the Norfolk District Army Corp of Engineers have denied blame, Griggs, technical director of the Atlantic Division of Naval Electronic Systems, insisted that "The Army Corps of Engineers did accept responsibility. The Corps did paint that house. At the last public meeting, I asked them if that didn't set a precedent of responsibility on the government's part for maintaining those houses . . . and they said 'no.' They have a legal term for that, but to me that indicates a very clear responsibility or they never would have done it..."

He advised again, "And this happened when the dredge outlet with those odors was very close to that home."

Despite this particular incident, River Shore Road residents say they usually have to paint their homes once every three years.

over



But, one Craney Island by-product was more than a nuisance affecting an isolated zone.

Walker recalled a situation a few years ago when "There were millions of rats..."

He paused a second, surveyed the sea before him, glanced toward the spoil facility, and mused, "Well, I don't know if you could say millions... but they were real thick..."

He ceased smiling as told of the hazard, "... just like flies. You could see them scurrying among the rocks. I don't go over there because there are no crabs; so no point in going."

John Tuttle stated the rats were not content with merely playing amidst the Craney Island rip-rap, "About four years ago, we had some big rats which came into the house... and the only place they could come from was down there."

His wife noted, "We had a neighbor's dog who caught (a rat) which had tunneled underneath the house."

Mr. Tuttle interjected, "I had quite a few rat traps around... But, we don't have those problems anymore."

Mr. and Mrs. Tuttle then gazed at the fenced off structure they see daily from their backyard, smell occasionally throughout the neighborhood, and fight whenever they can. Yet, despite the daily doses dealt their senses, they have never visited the land that caused the disdain.

(Next week, Mr. and Mrs. Tuttle tour the Craney Island facility).



Thick black lifeless dredge gushes into the Craney Island spoil containment site.

# THE SUN

A10

BALTIMORE, MONDAY, JUNE 2, 1975

WILLIAM F. SCHMICK, JR., Publisher • PAUL A. BANKER, Managing Editor • J.R.L. STERNE, Editorial Page Editor

## Hart and Miller Islands

There is no ideal place to put the spoil from dredging Baltimore harbor, but a diked containment area at Hart and Miller islands seems less objectionable than other proposals. The islands have no clam beds or oyster bars to be destroyed, and they are far enough from major fisheries that accidental spills of dredge material would do the least possible harm to recreational or commercial fishing. The alternatives to Hart and Miller islands are unattractive. There is not room at the mouth of the Patapsco River; overboard disposal into Chesapeake Bay is now prohibited; conversion of the spoil to building materials is a chimera because of the energy costs and other factors. Use of Hart and Miller islands might even provide some positive gains, including new fish habitat in the riprap surrounding the dikes and a major new public recreation site.

The Hart and Miller islands site has had the support of the Maryland Department of Natural Resources and the respected Chesapeake Bay Foundation. Now Richard E. Griffith, regional director of the federal Fish and Wildlife Service, has added his name to the list in a letter in which he says, "I am

convinced that the Hart-Miller Island disposal project is environmentally preferable to the alternatives which thus far have been identified." The letter reverses Mr. Griffith's previous position and is thus a significant shift in favor of the project. It also seems likely the state views the project as near approval, since it has taken initial steps to acquire the privately owned islands.

The final decision is up to the Army Corps of Engineers and the Secretary of the Army, and further hearings and studies must be completed before that decision is reached. The dredging projects are of immense importance to the economy of Baltimore and Maryland, and the recent action by the Fish and Wildlife Service makes it clear there is small doubt of the eventual approval of the Hart and Miller islands site, except in the unlikely event that new studies turn up startlingly new information. Now it is important to get under way with the dredging projects as soon as possible. The new studies should be carefully done, but if they turn out essentially the same as earlier studies then no more time should be lost getting approval of the site.





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Times



## Protesting The Dike

Area boating enthusiasts gathered at Hart and Miller islands on Sunday to display signs protesting a proposed diked sludge disposal area on the islands off the mouth of Back River. The Hart And Miller Environmental Group had originally planned a rendezvous at the islands with a clean up effort along the shores. However, the "clean up" was called off due to cool weather and rough waves. In all, about 15 boats gathered at the islands. Congressman Clarence Long (D. 2nd) also made the trip and was one of only a few who actually went ashore to inspect the proposed dike area. At the present time the islands are uninhabited, in their natural state. Residents want them to stay that way, citing the islands' importance as a recreational area. The proposed dike would contain sludge from the Baltimore harbor in a channel-deepening project there.

Photos by Jack Martin, Jr.



# Maryland delegation meets to hear opinions on Hart Miller debate

*June  
July 19  
1979*

A meeting held last Thursday in the Capitol Building in Washington, D.C. gave further evidence that the controversy surrounding the Hart-Miller Islands is still far from being solved.

Called by Rep. Clarence D. Long, the meeting focused on the proposed dredging of the Baltimore Harbor and channel and the estimated 52 million cubic yards of alleged toxic material that would be deposited on the islands.

Attending the meeting were Maryland Senators Charles McC. Mathias and Paul Sarbanes, Representatives Beverly Byron, Marjorie Holt, Barbara Mikulski, and Parren Mitchell, plus assistants to Gladys Spellman and Bob Bauman.

They heard strong criticism of the proposal from Joseph Bormel (president of the Hart-Miller Islands Environmental Group),

Paul Breidenbaugh (president of the Maryland Wildlife Federation), and Edward Rybczynski (counsel for the case brought against the Army Corps of Engineers by Rep. Long).

"The people of Maryland are being misled by projected statistical propaganda and slick, Madison Avenue-type slogans," Bormel charged.

"Approximately three months ago, the Maryland Port Administration reported new quarterly records with an increase of more than 10 percent over the same quarter last year.

"One month ago," he added, "they reported exports of manufactured goods from the Dundalk Marine Terminal to the Far East were up 40 percent from last year's figures. Does that sound like the port of Baltimore is dying, or does it sound like an attempt to confuse the issues?"

Bormel suggested that eight inner harbor sites be investigated as deposits for the dredging by the MPA, which he said "would be environmentally more acceptable, create more jobs, increase the tax base for the city and county, and add much needed marine facilities for the port of Baltimore."

Bormel also stated that diking would not solve the problem with the port, but would only move it, and that a long range solution must be investigated and developed.

Rybczynski pointed to the engineering defects of the proposed dike and the estimated costs as his reasons for opposing the plan.

He said that the "lack of structural integrity" of the dike could result in its bursting, which would allow millions of cubic yards of toxic material to flood into the Chesapeake Bay.

"According to dike experts Dr. Hsiang Wang of the University of Delaware and Dr. Robert Kondner of Johns Hopkins University, the dike would have to be seven miles wide and 13 miles long to hold 50 million cubic yards of spoil," Rybczynski said.

"If the dike were to be the size proposed, only one mile wide and two miles long, it could hold only 13 million cubic yards of dredged material."

He also labeled the state's \$32 million estimate as "a fiction," and said the more realistic cost will be "\$102 million, according to an independent consultant."

Anna R. Harris, a legislative aide to Del. Michael J. Collins and longtime Middle River resident, also voiced opposition based on two factors.

"First, there has been no test in our expensive Bay Model of the effect the dike would have on Back River, which is still a salvagable river," she said.

"Second, although this dike is supposed to increase the recreation facilities of this part of the bay, it will virtually destroy one of the greatest of all recreational uses...sailboat racing."

Harris did admit that the harbor should be dredged, but emphasized that enough available spots existed within the harbor itself which should be explored as alternatives to Hart-Miller.

Although County Executive Donald P. Hutchinson was not in attendance, a statement of the county's position was introduced.

"Baltimore County has consistently supported the need for the dredging," it read, "but urged that other sites be found because of the environmental problems that we believe will result from using the islands."

If the State had been committed to the port," it continued, "and if it had recognized the long-term needs, the State would have long ago developed a long-term plan for disposal. Because the State did not plan ahead, we are now being arbitrarily limited to the consideration of the Hart-Miller Islands site."

In addition to those aforementioned speakers, approximately 35 other heads of Maryland groups opposing the building of the dike also were present at the meeting, including representatives from the Maryland Conservation Council, the Inland Waterways Improvement Association, and the Sierra Club.

According to Long, Governor Harry R. Hughes has now promised to review the situation. Mikulski also said that Hughes had hired a pair of Johns Hopkins' doctors to assist him in his re-evaluation.



# Delegation agrees to postpone decision on Hart-Miller dike

By Claire Hoffman

Members of Maryland's Congressional delegation have agreed to postpone making any decision on the proposed Hart and Miller Islands dike until Governor Harry Hughes has completed a substantial review of information on the project.

The agreement to postpone their decision was reached by the state's representatives in the U.S. Senate and the House of Representatives after a presentation on the topic was given by the Hart and Miller Island Environmental Group, headed by Joseph Bormel.

Gov. Hughes told members of the environmental group he would further study the proposed dike after meeting with them at the end of last month, according to the governor's assistant press secretary.

The governor has requested two Johns Hopkins University professors, Dr. Lucien Brush and Dr. Abell Wollman, to review all the material on the project prepared by the Army Corps of Engineers, the state, and the dike's opponents. Mr. Hughes' decision to seek further study of the project was reached after members of the environmental group told him he "didn't have all the complete or accurate information," Mrs. Friedlander, the assistant press secretary, said.

She noted that this further study will simply be an in-depth, unbiased review of the material by two outside professionals who will give the governor their opinions on the project once their study has been completed.

Kate Stern, aide to Congressman Clarence Long (D., Md.), said the congressman was "pleased" with what he termed a "major concession" on the part of Gov. Hughes in his decision to review the dike proposal.

She noted that prior to this recent

development, the governor had given the project his full support. Ms. Stern added that the meeting between members of the Maryland Congressional delegation and the Hart-Miller Environmental Group was called by Congressman Long, who has been a staunch opponent of the proposal since its inception in 1966.

In his statement to the Congressional delegation, Mr. Bormel noted that the Baltimore Harbor has been referred to as a "sink" because it has been contaminated with 44 million gallons of raw sewage from the Patapsco River Treatment Plant daily, and previously received 5,470 pounds of poisonous cyanide daily from the Bethlehem Steel Corporation's sites, in addition to other pollutants.

He added that a study conducted by Dr. Thomas Sawyer in June 1977, involving examination of bottom sediments taken from a Baltimore Harbor shipping channel, revealed that a specie of *acanthamoeba* has developed. The study further indicated that this amoeba caused disease and death in laboratory animals and could possibly affect human beings, according to Mr. Bormel.

According to earlier statements made by the state and by the Army Corps of Engineers, the dike is needed to contain spoil material resulting from proposed dredging of the Baltimore Harbor to allow for its expansion and continued existence as a viable economic resource for the state.

Part of that dredging would create an additional 50 foot shipping channel, which the state claimed is needed to service bulk carriers.

According to Mr. Bormel, a report prepared by a professor at the University of Maryland Law School indicates such a 50 foot channel may be obsolete before it is built. He said the professor's report cites statistics from the state Department of Transportation which suggest dry bulk carriers will require a 57 foot draft by 1980, a 66 foot draft by 1990 and 71 feet by the year 2000.

He added that the department's projections suggest general cargo and container ships will level out to 40 feet, noting that a 50 foot channel would be inadequate for bulk cargo while being superfluous for general cargo ships.

According to Mr. Bormel, the tunnels under the harbor impose limits of 50 feet in the harbor area itself, and 55 feet at the mouth of the Chesapeake Bay.

The environmentalist suggested that without funding from the Office of Management and Budget, the planned 52 million cubic yards of dredge spoil could be eliminated from Gov. Hughes' projections for 97 million cubic yards of disposal needs, and eight other sites investigated by the Maryland Port Authority (MPA) could handle the dredge material for the next 20 years.

He added that the dredge spoil could be diverted to other inner harbor sites, which when filled could help alleviate growing pier congestion which faces the harbor as well as adding to the tax base of the city.

Mr. Bormel further suggested that the state should begin a pilot program in the harbor, with federal funding aid, to recycle dredged material into useful products such as tile, bricks and lime. He noted that such a program could help solve the unemployment problem.

The dike proposal calls for construction of an 18-foot high, 1,100 acre sand and rock barrier to contain 52 million cubic yards of "contaminated" dredging spoil in the waters around the Hart and Miller islands.

The Army Corps of Engineers claimed that the site could be used for recreational purposes when filled, alleging that an "upland forest" would grow on the dredge spoil.

A permit request for the project was originally filed in March 1972, according to Jean O'Neil, aide to Congressman Long, but that application

was not completed until June of that year.

The Army Corps of Engineers issued the dike permit in November 1976, despite lack of support from the Environmental Protection Agency, which reversed its previous conditional approval of the project issued under the assumption that a "structurally sound dike would contain the dredge spoil."

The EPA joined the Department of the Interior and the National Marine Fisheries Service in requesting clarification and commitments from the Army Corps on the soundness of the structure, and placed certain conditions on receipt of its approval before the permit was issued.

over



Congressman Long criticized the final Environmental Impact Statement (EIS) prepared by the Corps of Engineers in September 1976, citing the lack of consideration for scientific opposition to the dike, the statement's failure to differentiate between parts of the Chesapeake Bay, and its ignoring of the physical, sociological and economic characteristics of the communities which would be affected by the project, including the Essex and Middle River areas.

State Senator Norman R. Stone Jr. (D., 9th) also voiced his opposition to the proposal in a letter to then County Executive Theodore G. Venetoulis in October 1976. Sen. Stone asked the county to join the legal suit filed against the Army Corps of Engineers by the Hart-Miller Environmental Group, area residents, and Congressman Long in June 1977.

According to Ms. O'Neil, that suit contained 11 counts, ten of which deal with the environmental and structural aspects of the dike, while the 11th was concerned with the engineers corps' right to issue the permit.

She noted that the permit was issued under Section 10 of the Rivers and Harbors Act of 1899. Under that section, the Army Corps did not have to seek Congressional approval of the project, she said.

However, Judge Herbert F. Murray ruled in October 1978 that the Army Corps of Engineers did not have the right to issue the permit under Section 10 because the permit concerned a dike which to be constructed in a body of water shared by two or more states.

"The judge ruled that the structure was, in fact, a dike, something which the state and the engineers corps were trying to challenge, calling it a spoil containment site," Ms. O'Neil said.

She added that Judge Murray said the law was very clear, and that the permit should have been issued under Section 9 of the Rivers and Harbors Act because it does deal with a body of water shared by two or more states.

"But, under Section 9, Congressional approval is needed before a permit for a bridge or a dike can be built on such a body of water," she noted.

"That was just one out of 11 counts," Ms. O'Neil added, "and Judge Murray said there was no point in continuing with the remaining counts until this problem has been resolved."

The state and the Army Corps of Engineers have appealed Judge Murray's decision to the Fourth Circuit

Court of Appeals in Richmond, Va. That hearing was held in early May of this year.

The legislator's aide noted that there are several directions the dike's opponents can take, some of which depend on the outcome of the appeals case and Gov. Hughes' decision.

According to Ms. O'Neil, either the opponents of the dike or the Army Corps of Engineers can petition the Supreme Court for a review of the case, depending upon whether the circuit court decides to deny or uphold the appeal. She noted, however, that it is up to the Supreme Court to accept or reject such a petition.

She said the governor's review may take six to eight months, and that the appeals case may be decided before that time.

"If the governor decides against the dike, then the state would no longer be part of that case, and I doubt seriously that any of the senators or congressmen would vote for the dike if the governor of the state is against it," Ms. O'Neil added.

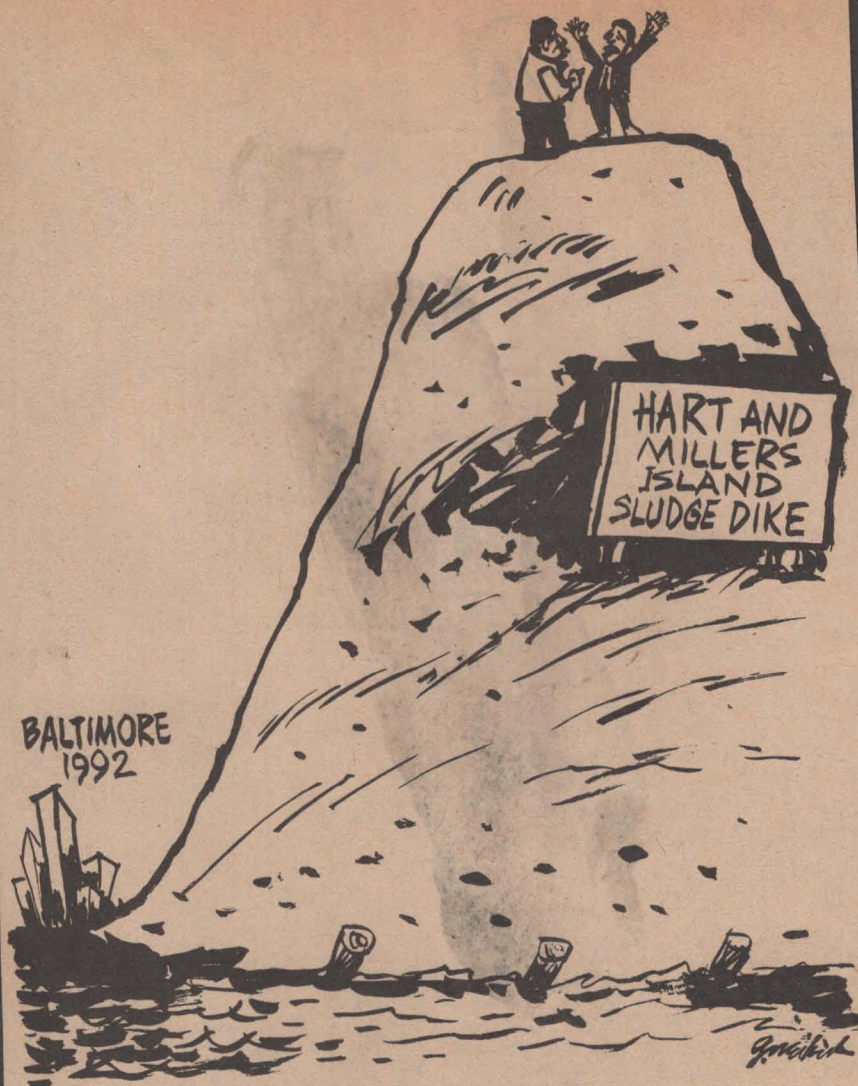
However, even if the governor decides to go ahead with the project, if the circuit court upholds Judge Murray's decision, the proposal will still have to receive Congressional approval, she noted.

"But, even if the circuit court decides in favor of the state and the Army Corps, we feel we have enough in the ten remaining counts of the original suit to halt the dike at the district court level," Ms. O'Neil concluded. |



MARCH 23, 1972

THE TIMES, Essex, Maryland



Well, I Told You 20 Years Ago  
Things Could Get Out Of Hand!

Times - Aug 23 - 1979  
153  
**Mathias tours  
Hart-Miller  
with his staff**

**Senior senator made  
fact-finding trip  
here unannounced**

Maryland's senior senator, Sen. Charles Mc. Mathias, accompanied by his staff, made an unannounced inspection trip to Hart-Miller Islands Tuesday as part of a fact-finding trip.

An aide said that Mathias wanted to see the islands first-hand and from the bay side as the controversy over the dumping of dredged material from the Baltimore harbor continues to boil.

"He will wait for an independent report ordered by Gov. Harry Hughes before he makes any firm decision," the aide said. That report is expected to be completed shortly after Labor Day.

The senator and his staff spent several hours aboard a Coast Guard vessel moving around the islands to get a view of the site.

Maryland Port Authority officials and others are advocating the site to dump dredge from the city's harbor.

"The senator took note that there quite a few people swimming and fishing around the island," the aide said. "The trip was strictly a fact-finding tour. He (Mathias) wanted to get a close, first-hand look."

The islands have been the center of controversy as Essex residents and conservationists battle to have the harbor sludge dumped elsewhere in the bay.

Rep. Clarence Long, D-2nd, has been leading a battle in Congress to block that plan.

However, legislation may be introduced in the upcoming session of Congress that would bypass the Long objections.



# HART and MILLER

## ISLANDS

### APPRECIATION DAY

TIME: RENDEVOUS - 1:00 P.M.

*Mew*

DATE: SUNDAY OCTOBER 15, 1972

PLACE: THE MIDDLE RIVER SIDE OF HART ISLAND

PURPOSE: TO SHOW OUR APPRECIATION TO THESE ISLANDS IN  
HOPES THAT THE STATE OF MARYLAND WILL UNDERSTAND  
OUR DESIRE TO PRESERVE THEM IN THEIR NATURAL STATE.

BOATS WILL BEGIN ARRIVING STARTING AT 10:00 A.M. ALL WILL  
RENDEVOUS AT 1:00 P.M. AT HART ISLAND. WE WILL CLEAN  
UP THE ISLAND IN SUPPORT OF THE EFFORT TO PRESERVE THESE  
ISLANDS. PLEASE BRING A LARGE PLASTIC BAG FOR LITTER.

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PLEASE ADVISE IF YOU WILL ATTEND:

THE HART and MILLER ISLANDS AREA ENVIRONMENTAL GROUP INC.  
P.O. BOX 7906  
ESSEX, MARYLAND

CHECK APPROPRIATE BOX: YES ☒ NO ☐



# Save The Islands

A group formed for  
the sole purpose of  
preventing the destruction  
of Hart & Miller's Islands  
in the Chesapeake Bay

April 18, 1972

Heritage Society  
113 Riverside Road  
Essex, Maryland 21221

Gentlemen:

We would like to thank your Association for your donation  
to the Hart and Miller's Island Area Environmental Group.

This donation will help us carry on the fight to stop the  
dike and preserve the Ecological and Aesthetic quality  
of the Chesapeake Bay.

Very truly yours,

*L. W. Dietrich, Jr.*

L. W. Dietrich, Jr.  
Fund Raising Chairman